

# Citizen Complaint Oversight Panel



## 18-MONTH FINAL REPORT

January 2021 - June 2022  
and  
Historical Review



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County Executive



# 18-MONTH FINAL REPORT

**January 2021 - June 2022**



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**REPEAL OF THE CCOP**

In the wake of incidents across the country of misconduct and criminal acts involving police officers, particularly those that resulted in serious injury or death of a citizen, the Maryland General Assembly enacted substantial legislation focused on police reform during the 2021 legislative session. House Bill 670, the Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures, was passed in April 2022 and became effective on July 1, 2022. The Act established requirements for police accountability and discipline in Maryland. This included the requirement that each county governing body establish a *Police Accountability Board, Administrative Charging Committee and Trial Board*.

On July 5, 2022, after a robust public process which included several Committee of the Whole sessions and public testimony from residents and stakeholders, the Prince George's County Council enacted a legislative package addressing police accountability in the County. This package included:

- **CB-021-2022**—To implement the Maryland Police Accountability Act of 2021 passed by the General Assembly and establish a Police Accountability Board, an Administrative Charging Committee and Trial Boards for Prince George's County and municipalities within the jurisdiction of Prince George's County; set forth the qualifications for members of these boards and committee and method of appointment; set forth the process for selection of the Police Accountability Board chairperson; provide for a process to receive certain complaints alleging police misconduct; set forth the duties of each board and committee; define certain terms; provide for the staggering of initial appointments to the Police Accountability Board; provide for the application of the Act; and generally relate to police accountability in Prince George's County.
- **CB-022-2022 - To repeal in its entirety Subtitle 18, Subdivision 3—Citizen Complaint Oversight Panel (CCOP) and dissolve the CCOP effective June 30, 2022.**
- **CB-023-2022 - To repeal the Prince George's County Police Department Use of Force statutory provision as part of the new Prince George's County laws being enacted in accordance with the Act.**
- **CB-024-2022 - To address participation by public safety employees in certain matters and use of County resources by police officers during participation in those matters. Specifically, amending and clarifying prohibited conduct for employees of Prince George's County.**



With the repeal of the CCOP, the police accountability process in Prince George's County now includes the following:



## New Process (Cont)

### Police Accountability Board

The Police Accountability Board (PAB) is an 11-member board. Of the 11 members, five are appointed by the County Council and five, plus the chair, are appointed by the County Executive. The PAB will hold quarterly meetings with heads of law enforcement agencies and otherwise works with law enforcement agencies and the county government to improve matters of policing. The Board will also receive complaints of police misconduct filed by members of the public and, on a quarterly basis, review outcomes of disciplinary matters considered by the Administrative Charging Committee (ACC).

### Administrative Charging Committee

The Administrative Charging Committee is a 5-member board. The County Executive appoints two members to the ACC. By state law, the Chair of the PAB, or their designee, sits on the ACC and the remaining 2 positions are appointed by the PAB. The ACC will review the findings of a law enforcement agency's investigation of alleged police conduct involving a citizen. Considering the findings of the investigating agency, the ACC makes a determination as to whether or not to administratively charge the police officer who is the subject of the investigation and, if the police officer is charged, recommend discipline.

### Trial Board

The Trial Board is composed of three members. One of the members of the Trial Board is a judge appointed by the County Executive. Another member is a citizen representative. The Trial Board has five public representatives who are appointed by the PAB to serve in this role. The final member is a law enforcement officer of equal rank to the charged officer. The Trial Board exists to serve law enforcement officers who wish to have a trial on administrative charges brought by the County's Administrative Charging Committee.

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**CCOP OVERVIEW**

The CCOP was established in 1990 as a result of a recommendation made by the Blue Ribbon Task Force on Policing in Prince George's County, which was impaneled by then County Executive Parris Glendening. Until recently, the CCOP was one of only two Maryland governments, including Baltimore City, with independent police oversight functions. The CCOP was a major presence in the oversight industry. In fact, the National Association for the Oversight of Law Enforcement, the largest professional organization for oversight authorities, was chartered in Prince George's County (Largo, Maryland), with the assistance of the CCOP.

The CCOP had the authority to make recommendations regarding policy changes, supervision, operational procedures, training and recruitment. The CCOP's authority was limited to officers of the Prince George's County Police Department (PGPD). Entities not within CCOP's jurisdiction included Park, State, and local municipal police forces, as well as the Sheriff's Department.

Over its 30 years in operation, the CCOP reviewed more than 3,700 investigations, with more than 12,000 individual allegations. As a result of its many reviews, it has successfully recommended the implementation of many long-standing police policies, procedures, and training, including the creation the Department's Office of Secondary Employment.

## **PANEL RESPONSIBILITIES**

While the CCOP's specific responsibilities are listed below, it also participated in outreach and other activities related to police accountability and transparency. The CCOP's mandated responsibilities were:

- Reviewing the processing and investigation of complaints and submitting comments and recommendations to the Chief of Police;
- Participating in police accountability outreach and information dissemination;
- Reviewing supervisory, disciplinary and hearing board reports;
- Conducting concurrent and subsequent investigations, as well as issuing subpoenas through the County Council, when appropriate (This was an unfunded mandate); and
- Issuing an annual report to the public.

## **CB-25-1990**

This legislation created the CCOP, providing for objective citizen participation in the complaint process and strengthening existing procedures for handling complaints made by citizens against members of PGPD for allegations of excessive force, harassment, and/or abusive language.

## **CB-59-2001**

This legislation expanded the CCOP's powers, giving it the authority to conduct its own investigations and to issue subpoenas through the County Council. It also expanded the scope of investigations reviewed to include all complaints filed against a member of PGPD for violation of any law or regulation (whether brought by a citizen, superior officer or any source), all discharge of firearms, and all in-custody deaths that may have resulted from an officer's use of force. It also reviews disciplinary documents and hearing board reports.

The Panel members and staff who served in 2021 and through June 2022 are listed below.

## **CCOP PANEL**

### **MEMBERS**

Kelvin Davall, Chair  
Cardell Montague, Vice Chair  
Regina Gilmore  
Marsha Ridley  
Natalie Stephenson  
Daniel Vergamini

Marva Jo Camp, Esq.  
*Legal Counsel*

L. Denise Hall  
*Manager*

Ashley Smalls  
*Administrative Aide*

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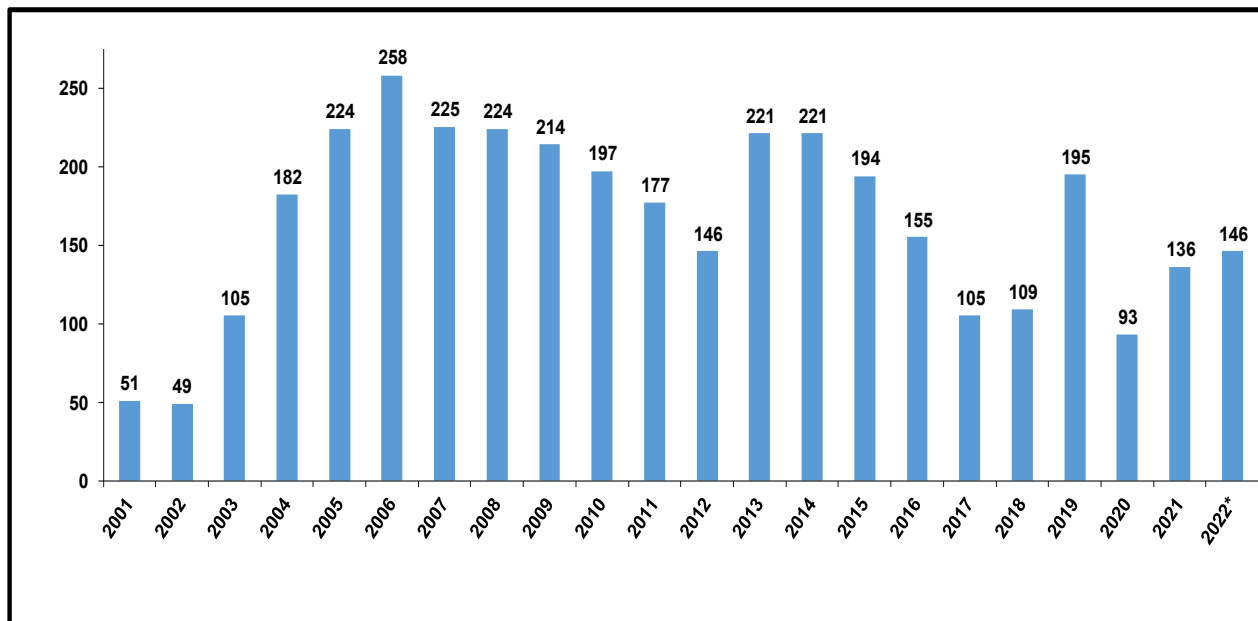
## CCOP WORKLOAD

This report is the CCOP's final report. It covers data and statistics for the CCOP's final 18-months, as well as provides a summary of the CCOP's operations and recommendations. The report is descriptive, not analytical. The goal is to provide an at-a-glance look at the cases and allegations the Panel reviewed and provide a broad overview of CCOP's caseload for its final 18 months.

Since the pandemic-related interruption of operations in 2020, the CCOP conducted its reviews virtually and managed to completely eliminate the backlog of investigations created when the CCOP was unable to meet March-October 2020.

It is important to note that the number of investigations reviewed by the CCOP *does not* reflect the number or level of complaints received by PGPD during this reporting period. The CCOP's data only represents the investigations it received and reviewed in 2021 and 2022. The investigations reviewed by the CCOP in 2021 and 2022 also includes investigations for complaints that were filed in prior years and referred to the CCOP in this reporting year. Below is a chart illustrating the historical pattern of reviews conducted by the Panel since 2001, the year CB-59-2001 significantly expanded the categories of misconduct referred to the CCOP for review.

**Chart 1: Investigations Reviewed Since 2001**

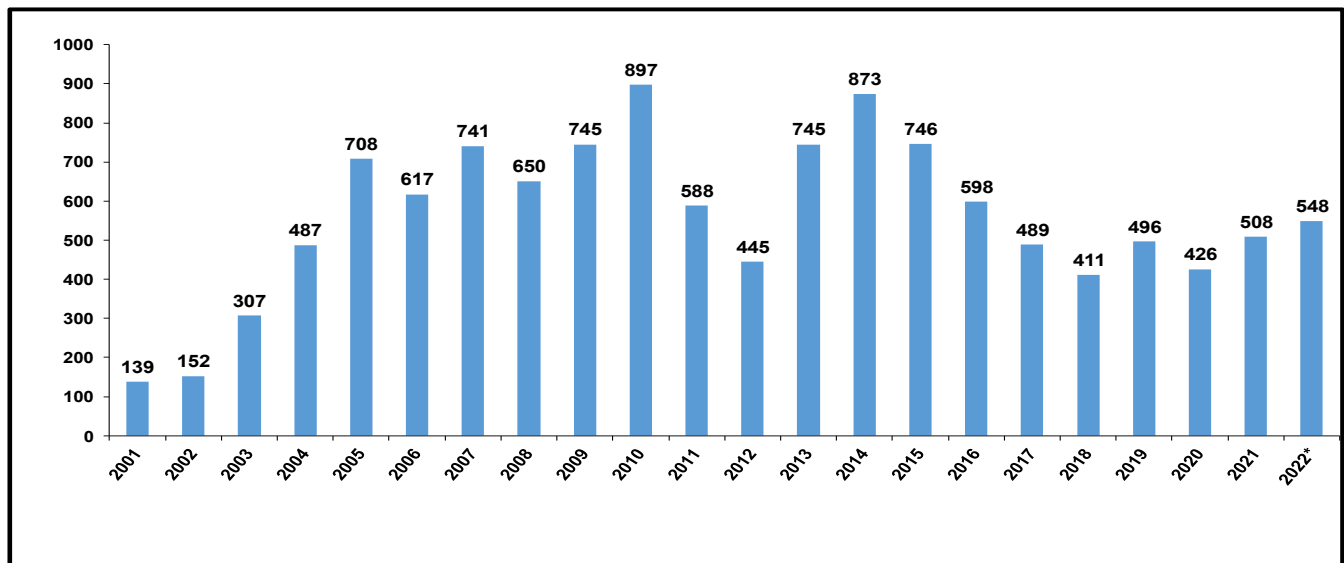


\*January-June 2022

The yearly number of investigations reviewed by the CCOP decreased by 23.2% in a rolling 10-year period (2011-2021). The 2022 bar in Chart 1 above represents the first 6 months of 2022 only and, also represents the largest six-month workload since the CCOP's legislation changed. The Panel reviewed 146 investigations and 538 allegations in that 6-month period. More than 55% of those reviews were for investigations of complaints submitted in prior years and a part of the backlog created by the pandemic. A bulk were referred to the CCOP in the period July 2021 to December 2021. This increase may also be attributed, in part, to case and desk audits done by the CCOP and the Department, as both worked to closeout the CCOP .

## Workload (Cont.)

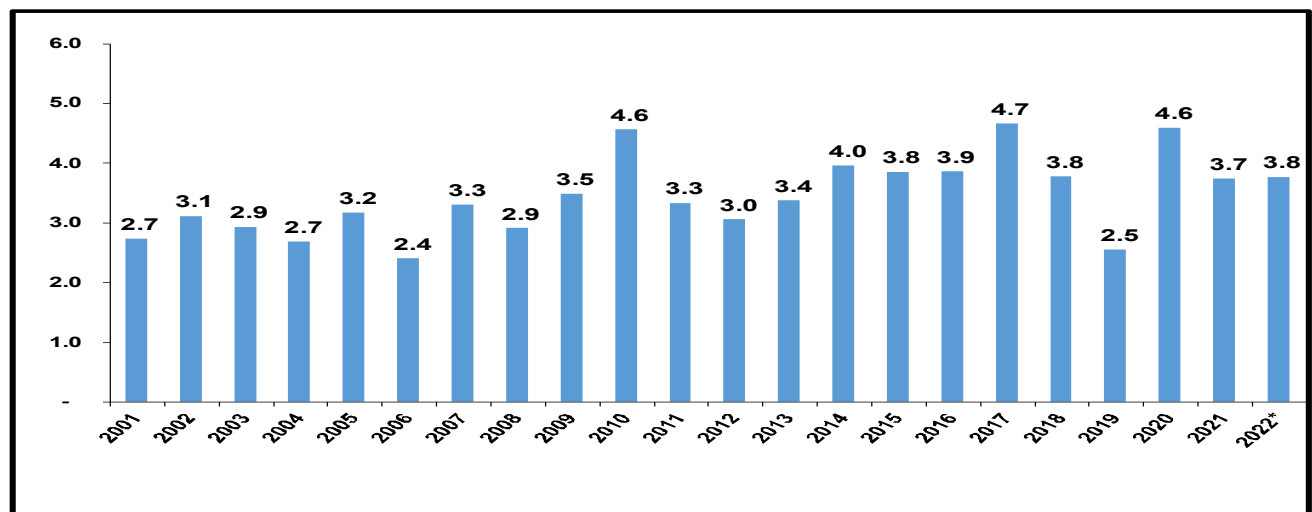
Chart 2: Allegations Reviewed Since 2001



Much like a jury, the Panel reviewed, discussed, and deliberated each charge or allegation presented in an investigation. Therefore, at the granular level, the total number of allegations reviewed by the CCOP is a better indicator of the Panel's overall workload. The Panel reviewed 136 investigations in 2021 as compared to 93 in 2020, a 19.25% increase and, 508 allegations as compared to 426, a 46.24% increase. The number of allegations reviewed was at its highest in 2010 and 2014, when the CCOP reviewed 897 and 873 allegations, respectively. In the first 6 months of 2022 alone, the CCOP reviewed more allegations than it did in nine of the prior 20 years. As previously stated, this may be due in part to efforts to closeout the CCOP by ensuring that as many investigations as possible completed prior to June 30, 2022, had an opportunity to be reviewed by the CCOP.

Chart 1 also shows the trend for allegations reviewed since the highest point in 2010. After unexplained decreases in 2011 and 2012, the CCOP reviewed between 873 and 746 investigations for the next three years. However, this number started to decline in 2016 and, by 2021 the yearly average was 488. However, the average number of allegations per investigation remained more consistent.

Chart 3: Average Number of Allegations Per Investigation



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## ALLEGATIONS

For statistical purposes, the allegations reviewed by the CCOP are grouped into the nine categories according to the nature of the allegations presented in investigations. The following table and charts show the distribution of these allegations by year, as well as a comparative distribution among these specific categories.

- **Attention to Duty** - Failure to perform duties as prescribed.
- **Conduct Related** - Unbecoming conduct and unreported misconduct.
- **Criminal Misconduct** – Administrative charge for crime-related misconduct not successfully prosecuted in courts.
- **Ethics Violation** - False Statements and Misrepresentation of Facts.
- **Firearms Charges** -Intentional and accidental discharges of a firearm by an officer.
- **Harassment/Discrimination** - Acts of unwarranted verbal or physical threats or demand, and any acts of misconduct related to a person's race, creed, color, national origin, gender or religion.
- **Procedure Violation** - Failure to adhere to procedures as outlined in the police General Order Manual or Standard Operating Procedures.
- **Use of Language** -Abusive, discriminatory or inappropriate use of language.
- **Use of Force** – A use of force may be classified as an excessive, unnecessary, or aggressive force of force, not related to the use of firearms, depending on the type and level of force used.

As shown in Table 1 below, Conduct-Related, Procedure Violation, Use of Force and Use of Language were still the most frequently reviewed allegations in 2021 and 2022. This follows a long established trend. The most notable changes from 2020 to 2021 were the 128.57%, 120.0%, 66.6%, and 203.33% increases, respectively, in the number of Attention to Duty, Firearms, Harassment, and Use of Language allegations reviewed, as well as the 41.38% and 78.26% decrease in Criminal Misconduct and Ethics allegations, respectively.

**Table 1: Distribution of Allegations**

Allegations	2020	2021	Change from 2020	2022*
Attention to Duty	14	32	128.57%	35
Conduct Related	123	142	15.45%	139
Criminal Misconduct	29	17	-41.38%	20
Ethics	69	15	-78.26%	22
Firearms	5	11	120.00%	15
Harassment/Profiling	3	5	66.67%	9
Procedure Violation	79	103	30.38%	127
Use of Force	74	92	24.32%	89
Use of Language	30	91	203.33%	82
<b>Total</b>	<b>426</b>	<b>508</b>	<b>19.25%</b>	<b>538</b>

## Allegations (Cont.)

Chart 4: 2021 Distribution of Allegations

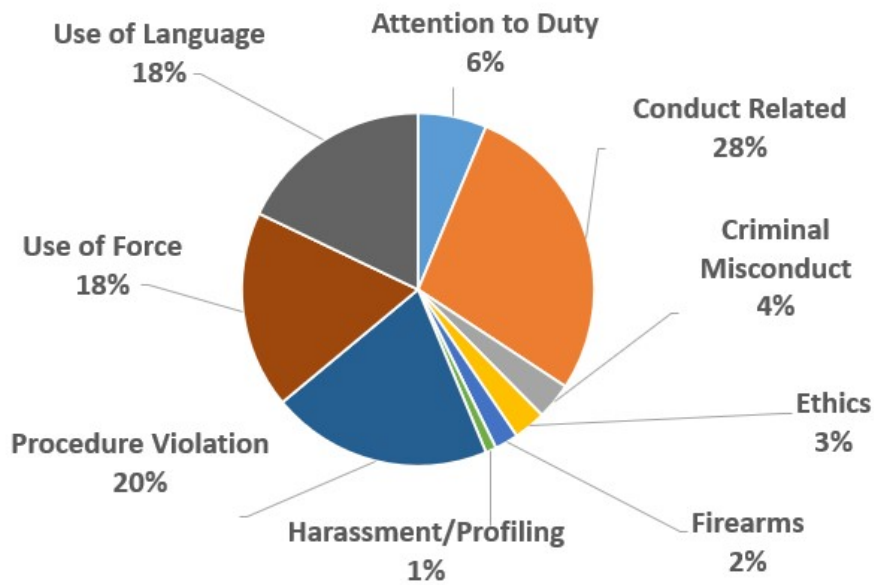
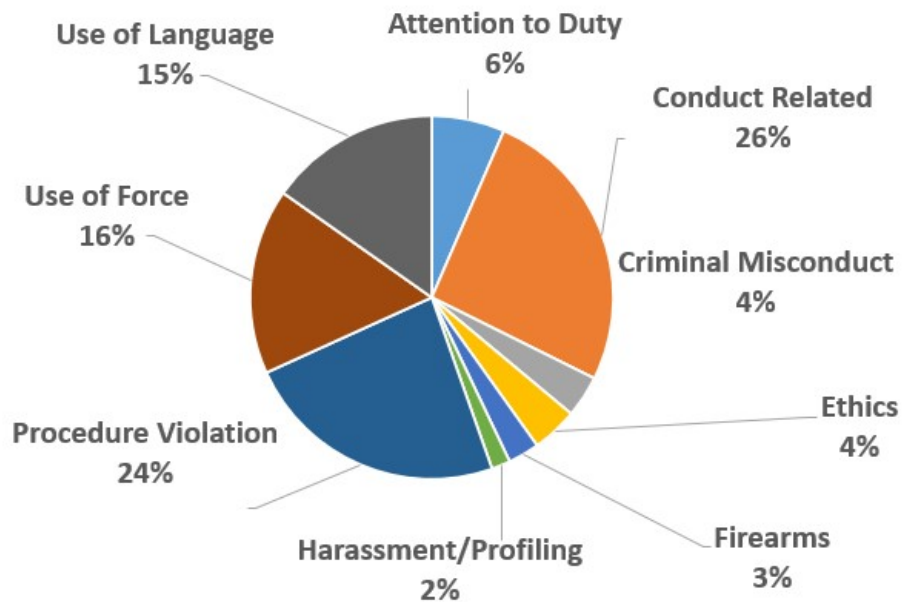


Chart 5: 2022 Distribution of Allegations





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## RECOMMENDATIONS

The following are recommended final dispositions referred by the Internal Affairs Division for each allegation they investigate. The CCOP either agreed with the Internal Affairs recommendation or recommended a different disposition, using the disposition types listed below.

**Sustained** - A preponderance of the evidence proves the allegation violated departmental policy or procedure.

**Non-Sustained** - The evidence fails to prove or disprove the alleged act(s) occurred.

**Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred; however, the act(s) were justified, lawful and proper.

**Unfounded** - The evidence proves the alleged act(s) did

In 2021 and 2022 (to date), Sustained recommendations represented the largest percentage of all recommendations, 35% and 34%, respectively. This is rarely found in the distribution of findings recommended by the Internal Affairs Division (IAD). There were no unusual patterns in reviews to explain this shift. Non-sustained allegations are normally the largest percentage of recommendations referred by IAD investigators. (See historical distribution in Table 5 on page 15). Historically, Exonerated and Unfounded allegations represent the smallest percentage of recommendations. This was still the case in 2021 and 2022.

**Table 2: 2020 and 2022 Distribution of Recommendations**

Recommendation	2020	%	2021	%	2022*	%
Exonerated	55	13%	83	16%	88	16%
Non-Sustained	131	31%	158	31%	188	35%
Sustained	150	35%	171	34%	143	27%
Unfounded	90	21%	96	19%	119	22%
Total	426		508		538	

For the purposes of this section of the report, allegations are also grouped into the twelve categories below, reflecting the type of police incidents that resulted in allegations. This section normally includes tables providing subcategory information on each allegation in these categories, by recommended disposition. However, to preserve space for the Historical Reflection section of the report, this data has been summarized in Table 3.

### Incident Types

- **Arrest**— Allegation occurred subsequent to or during the arrest or detention of a subject.
- **Dispatched to Scene**—Allegation related to an encounter that occurred when the officer was dispatched to a scene.
- **Domestic**— The officer reported to or was the subject of a domestic incident.
- **Firearms Related** — The incident resulted in the intentional or unintentional discharge of a

firearm, improper handling or storage of a firearm, or failure to follow protocol related to the use of a firearm.

- **Investigative Stop/Patrol Duty**— Allegation occurred during an investigation stop or during the officer’s normal patrol duties.
- **Internal Review**— Allegation originated by a superior or other officer or are actions that occurred internally.
- **Off-Duty**— Alleged misconduct occurred when the officer was off-duty and not on secondary employment.
- **Other Duties or Assignment** - Alleged misconduct occurred while the officer was assigned to special teams or other duties.
- **Search or Warrant**— Allegation occurred subsequent to the search of a subject and/or his property. Also includes allegations related to the execution of warrants, of all types.
- **Secondary Employment**—Allegation occurred during the officer’s secondary employment assignment.
- **Social Media Policy Violation**— Allegation is related to the inappropriate use of social media.
- **Traffic Stop**—Allegation related to a traffic stop or traffic incident.

**Table 3: Distribution of Recommendations by Incident Types**

Allegations	Exonerated	Non-Sustained	Sustained	Unfounded	Total
Arrest	35	32	24	26	<b>117</b>
Dispatched to Scene	25	55	38	19	<b>137</b>
Domestic	5	9	8	8	<b>30</b>
Firearms Related	5	9	7	5	<b>26</b>
Investigative/Patrol Stops	9	35	42	44	<b>130</b>
Internal Reviews	8	4	7	14	<b>33</b>
Off-Duty	3	8	7	18	<b>36</b>
Other Duties or Assignments	10	32	49	19	<b>110</b>
Search or Warrant	20	26	24	16	<b>86</b>
Secondary Employment	10	3	6	9	<b>28</b>
Social Media Policy Violation	0	0	6	2	<b>8</b>
Traffic Stop	41	133	96	35	<b>305</b>

The following tables illustrate the distribution of the IAD allegations and recommendations made by the CCOP in 2021 and 2022, combined, by the type of incident related to the allegations. As shown in the charts, the majority of the allegations reviewed in 2021 resulted from, traffic stops, dispatch calls, investigative/patrol stops, arrests, and other duties.

## RECOMMENDATIONS (Cont.)

**Table 4: 2021 and 2022 Combined Distribution of Recommendations by Type**

Allegations	Exonerated	Non-Sustained	Sustained	Unfounded	Total
Attention to Duty	19	18	11	19	<b>32</b>
Conduct Related	19	94	93	75	<b>142</b>
Criminal Misconduct	3	8	3	23	<b>17</b>
Ethics	0	4	27	6	<b>15</b>
Firearms	5	9	7	5	<b>11</b>
Harassment/Profiling	3	0	0	11	<b>5</b>
Procedural Violations	32	28	142	28	<b>103</b>
Use of Force	78	49	14	40	<b>92</b>
Use of Language	12	136	17	8	<b>91</b>

As shown in Table #4 above, a majority of allegations that were Exonerated were Use of Force allegation, 78 or 45.6% of all recommendations to Exonerate. The allegations that were most often Non-Sustained were Use of Language allegations, with 136 or 39.3% of recommendations to Non-Sustained this category. The most frequently Sustained allegations were for Procedural Violations, with 142 or 45.2% of Sustained allegations in this category. Unfounded was most often recommended for Conduct Related allegations, with 75 or 34.9% of Unfounded recommendation in this category.

## RECOMMENDATIONS (Cont.)

### Historical Distribution

**Table 5: Historical % Distribution of Recommendations by Year 2001-2022**

	Exonerated	Non-Sustained	Unfounded	Sustained
2001	23%	46%	15%	16%
2002	10%	56%	15%	19%
2003	25%	46%	10%	49%
2004	25%	43%	10%	22%
2005	13%	36%	17%	34%
2006	28%	45%	9%	18%
2007	17%	43%	12%	28%
2008	18%	45%	9%	28%
2009	22%	37%	11%	30%
2010	13%	42%	5%	40%
2011	15%	44%	11%	30%
2012	22%	33%	12%	33%
2013	20%	41%	10%	29%
2014	15%	37%	13%	35%
2015	18%	36%	12%	34%
2016	17%	42%	29%	12%
2017	15%	41%	22%	22%
2018	15%	34%	35%	16%
2019	15%	32%	27%	26%
2020	15%	32%	26%	27%
2021	13%	31%	21%	35%
2022*	16%	31%	19%	34%

As noted, historically, recommendations to non-sustain allegations were the most common recommendations received for the investigations reviewed by the CCOP. The trend toward recommending a finding of sustained did increase over the 21-year period shown above. In 2021 and to date for 2022, recommendations to sustain allegations were the largest category of recommendations. However, there was not enough evidence to indicate that this will be a trend, as there were no readily identifiable reasons for this distribution and these were the only recent periods with this pattern of distribution.

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**ISSUES AND CONCERNS**

The CCOP noted several continuing issues and concerns during its review of investigations this reporting period. As always, upon completion of its reviews, the CCOP immediately relays issues and concerns to the Chief of Police in recommendation letters for each case reviewed. Some of these issues may have also appeared in prior years and, either remained unresolved or re-emerged during this reporting period. The pandemic related closure impacted how the CCOP focused on issues for the 2021 reporting year and the CCOP's emphasis was on insuring that recurring issues were closed and do not continue to appear in this listing. The new and remaining issues are as follows:

**LACK OF BODY WORN CAMERA (BWC) AND MOBILE VIDEO SYSTEM (MVS) EVIDENCE**

**ISSUE:** This issue has resurfaced several times over the past 10 years, particularly as it relates to the MVS and, more recently as it relates to BWCs. In 2021 and 2022, the CCOP reviewed a growing number of investigations where there was no MVS or Bodycam evidence in incidences where protocol and/or policies clearly dictates or warranted their use. In most of these instances, no justification was provided for the absence of this evidence. This evidence could prove critical to a thorough review and analysis of these investigations. The CCOP remained concerned about the failure of officers to utilize their MVS and BWC equipment. In some investigations, several responding vehicles or officers at an incident were equipped with operational MVS and/or BWC. However, there was no video evidence presented in the related investigations.



The Panel requested a briefing on the policies and procedures governing MVS and bodycams and requested that for future investigations, the file includes information regarding MVS and BWC evidence for all officers responding to a scene. This should include: (1) if the officers and/or their vehicles were equipped with MVS or BWC; (2) if they were required to activate this equipped when they responded; (3) if the equipment was activated as required; and (4) if the equipment was operational at the time of the incident.

**RECOMMENDATION:** The Panel also strongly encouraged the Department to review its MVS and BWC use and compliance protocols. The CCOP recommended resolving this issue prior to the full implementation of the new accountability process to avoid the impression within the community that accountability remains a secondary concern. Finally, the Panel has seen the failure to obtain audio visual evidence, either by MVS or BWC, as a constant issue and adopted the position that it would consider and, when appropriate, recommend more serious violations for officers when they fail to activate their audio visual equipment as required by the G.O.M. It is not acceptable to merely implement a minor procedural violation in cases that involve more significant allegations that have been made more difficult to verify because of the absence of possible audio and video evidence.

## Issues and Concerns (Cont.)

### THE USE OF CLOSED-FIST STRIKES TO GAIN COMPLIANCE

**ISSUE:** While the Panel's consensus was that a use of force is appropriate in some circumstances, the Panel was concerned about the amount and type of force being used. Specifically, the Panel questioned if the use of closed-fist strikes to the face is objectively necessary to control a non-compliant subject. The Panel found that the use of "multiple and successive" closed-fist punches to the face was unnecessary and more than what was reasonable to affect a lawful arrest, in most circumstances. The Panel remained concerned that this type of force is excessive, often leading to facial injuries. On more than one occasion, they have resulted in situations where citizens are transported to a hospital for a broken nose or broken facial bones.

The CCOP requested a copy of the Department's policy regarding Use of Force. The Panel also requested a briefing on Use of Force training as it relates to determining which levels of force are justified in particular situations.

**RECOMMENDATION:** The CCOP recommended that the Department review its policies regarding the use of closed-fist strikes and consider revising its policies to more clearly define when this type of force is not appropriate. The CCOP also recommended that the Department objectively re-evaluate training to determine:

1. If the use of closed fist strikes or punches to the face is appropriately allowed under the Use of Force policy.
2. If the use of this type of force should be reserved for specific situations.
3. If there are other tactics that officers can use that will reduce the chance of broken facial, nose and/or orbital bones?

### FAILURE TO REPORT INCIDENTS AND COMPLETE REQUIRED REPORTS

**ISSUE:** The CCOP reviewed a concerning number of investigations where officers failed to document incidents or actions, as required by the GOM. In most instances, this failure is obvious. However, investigators do not include these violations of the GOM procedure as allegations for investigation and, possible charges.

The General Order Manual, Volume II, Chapter 58, Section V, Subsection 4, Reporting the Use of Force states, "*Any officer, who uses force, including the discharge of oleoresin capicum (OC) Spray, shall immediately notify a Supervisor.*" As an example of a violation of this GOM provision, an investigation clearly established that two respondents used force to detain a complainant. The respondents' statements confirmed their use of force. However, these respondents failed to report this Use of Force report to a supervisor as required. The Panel recommended adding an allegation of Procedural Violation and a finding of Sustained for both respondents.

In another investigation, a respondent placed a citizen in handcuffs after he allegedly slammed the citizen onto the hood of a vehicle, as he handcuffed him. The respondent immediately released the Involved Citizen, but also failed to submit the required reports for this incident in the manner prescribed by the General Order Manual.

However, these failures to follow procedures were not presented as allegations in the related investigations. In these instances, the CCOP noted the failures to properly report or document the action taken, as required, and recommended adding and sustaining allegations of Procedure Violation.

## Issues and Concerns (Cont.)

**RECOMMENDATION:** The CCOP recommended that the Department implement a process or checklist to insure that the complaints, statements, and subsequently completed investigations are thoroughly reviewed to ensure that officers have submitted paperwork for and reported every incident and action taken as a part of their interaction with complainants or involved citizens.

This may seem minor when compared to the scope of an overall investigation. However, it is important to the integrity of process to ensure that officers are held accountable for adhering to and complying with all the provisions of the GOM. Regardless of the lack of severity, all infractions should be noted and investigated. Once investigated, a proper and unbiased assessment can then be made regarding the officer's responsibility or lack thereof.

### INVESTIGATION THAT ARE ALLOWED TO LANGUISH

**ISSUE:** While not a prevalent problem, the CCOP has several questions and concerns regarding the Department's process and procedural timeline for completing investigations. Specifically, what process is currently in place to ensure that investigations do not get lost or remain incomplete? Is there a tracking tool or quality control process? What measures will the Department take in the future to ensure that investigations are completed within all required timeframes?

This surfaced as a concern when the CCOP and the Department worked to complete case audits, as they closed out the CCOP operations. The Panel received a significant number of investigations where the investigated complaints were filed as many as four years ago. These investigations are now out of compliance with the statutory time frame in LEOBR to charge the involved officers, if appropriate.

**RECOMMENDATION:** The CCOP ceased to exist on June 30, 2022 and any complaint filed for incidents occurring before this date must be processed under the now repealed Law Enforcement Officer Bill of Rights (LEOBR). By Maryland law, they cannot be processed under the new police accountability process, which can only investigate complaints for incidents that occurred on July 1, 2002 and after.

With the focus now on the new process, the CCOP recommended that the Department implement a process to ensure that the complaints filed and investigations completed before July 1st are processed in a timely manner, so they do not languish and the opportunity charge officers, if applicable, does not expire.

### USE OF INAPPROPRIATE LANGUAGE

**ISSUE:** The CCOP reviewed several investigations involving internal use of derogatory or inappropriate language. One incident involved a training officer directing profanities at a cadet. Another involved a supervisor addressing subordinates. Yet another involved a particularly egregious and inappropriate comment made by an officer during his meeting with a subordinate. In each of these incidents, there was at least one witness who heard or reported the use of language. However, there were inconsistency in how these uses of language were handled. The investigators either noted the language as allowed in a training environment, did not include it as a charge, or non-sustained the use of language allegation, if included. Various explanations were given for the investigators' decisions. The Panel sought clarification on the departmental training or policy that defines when it is okay and lawful for officers to use foul or profane language. The CCOP also wanted to know if



## Issues and Concerns (Cont.)

there are particular GOM provisions that permit the use of such language, and under what circumstances?

**RECOMMENDATION:** The Panel recommended that when dealing with cadets, subordinates, or the public, officers should refrain from using language that goes beyond what the GOM has deemed as appropriate behavior for officers. These situations may prove to detrimentally affect other officers', especially new officers', perceptions of how to properly treat citizens.

### UNAUTHORIZED VEHICLE PURSUITS

**ISSUE:** While this is not a prevalent issue, it is a dangerous one, for officers and the public. The CCOP reviewed several investigations that also involved unauthorized vehicle pursuits that resulted in accidents. In one of these investigations, a respondent did not stop the pursuit when initially ordered to do so. Evidence indicated that the respondent was ordered to terminate the pursuit twice and that there was sufficient time for the respondent to have terminated. This pursuit was, therefore, unauthorized and it subsequently resulted in an accident that sent a citizen to the hospital.

In another incident, the respondent engaged in an unauthorized pursuit when they observed a vehicle cut in front of another car. The officer made a U-turn and attempted to make a traffic stop when the driver made a right turn and refused to stop. This ended in a serious accident involving a citizen. In his investigation statement, the officer stated that, from his training, the vehicle "looked dirty" and suspicious and he, therefore, initiated pursuit.

None of the circumstances set forth in the Investigative Reports for the above examples outlined provisions of the GOM or provided sufficient authorization for the respondents to conduct these vehicle pursuits. These are just two of the investigations reviewed by the CCOP that illustrate the danger authorized pursuits posed for the public.

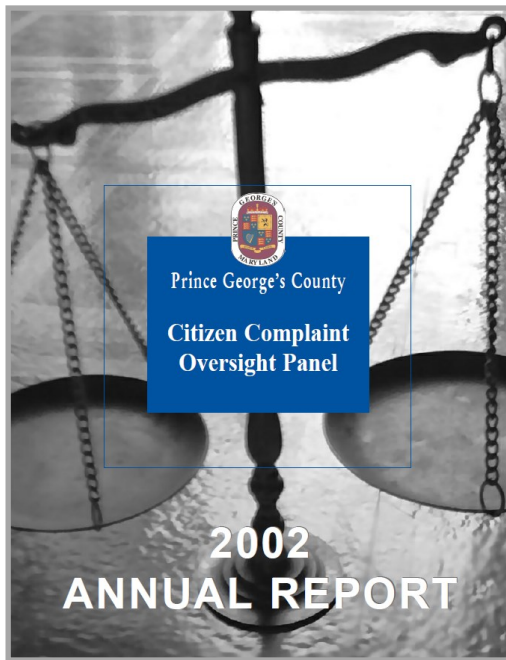
# FINAL REPORT January 2021 - June 2022

## Historical Review\*

**3,780**  
**Investigations**  
**1991 - 2022**

**12,013**  
**Allegations**  
**2002 to 2022**  
Individual allegations were  
not tracked prior to 2001

*\*This Reflections section covers issues and concerns for the period 2001–2021. Some archive data for the period 1990-2001 was not electronically accessible at the time to this report. Graphics shown are from actual annual reports.*

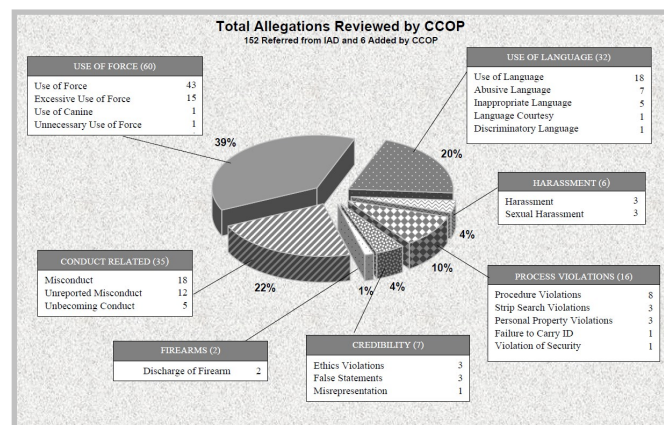


On January 11, 2001, CB 59-2001 became effective and expanded CCOP's authority. FY2002 was the first full fiscal-year of operation under this new enabling legislation. Prior to this, CCOP reviewed very specific categories of allegations. Now, CCOP reviews **ALL** allegations of police misconduct, including police supervisory issues.

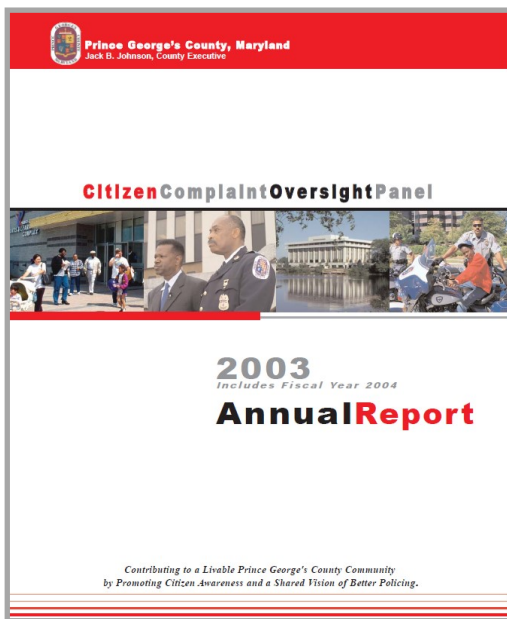
## 2002

In 2002, the CCOP reviewed 49 investigations, with 152 individual allegations. The concerns and issues presented in the 2002 annual report were as follows.

- Provide the CCOP with the additional resources needed to exercise its authority to conduct investigations.
- Review existing procedures to ensure compliance with the requirement for receipt and review of the discharge of firearms.
- Amend LEOBR to limit further the time within which an officer may refuse to cooperate with an investigation and to limit the officer's ability to read the complainant's actual complaint or statement describing the alleged event or misconduct; and to appoint a citizen to the Administrative Hearing Board.
- Amend legislative time frames for IAD's investigation to 180 days after the complaint is filed and to 45 days for the CCOP to conduct its review.
- Re-evaluate and modify standards for charging officers with abuse of authority.
- More aggressively prosecute instances of police officers' untruthful testimony or failure to cooperate fully with an investigation.



- Modify policy regarding parttime and off-duty employment.
- Provide the CCOP with notice of all incidents involving the discharge of a firearm.
- The CCOP observed several incidents in which the Department appeared to have failed to comply with the specific provisions of CB-59-2001. The Panel discussed its concerns with the Department and urged it to think more aggressively about its systemic processes in light of its expanded duties under CB-59-2001.
- Reconsider the legislatively mandated name, Citizen Complaint Oversight Panel. This name does not denote that the CCOP only handles complaints related to police practices and causes confusion for citizens.



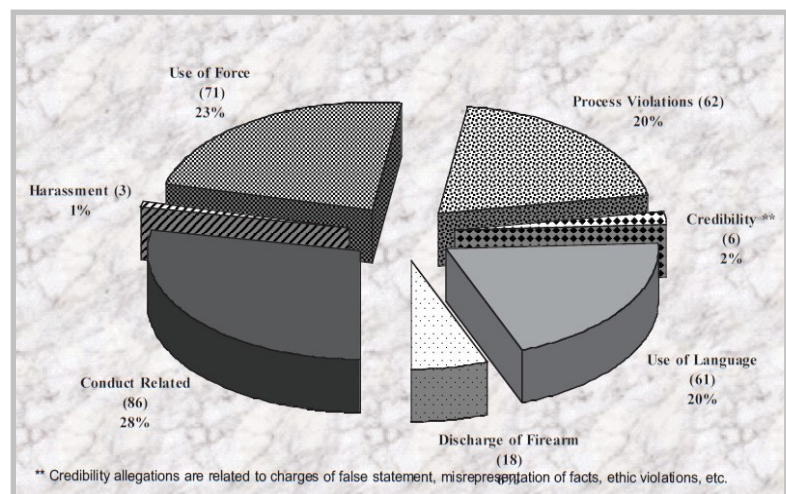
The CCOP continued to raise issue with several provisions of the Law Enforcement Officer's Bill of Rights. Together, these provisions afforded respondent officers protections well beyond constitutional requirements and in some instances contributed to an impression of an abusive and collaborative process that seriously undermines the rights of a complainant. In addition, the CCOP had the following issues.

**FUNDING FOR INVESTIGATIONS** -The CCOP continued to request that the County provide additional funds or resources needed to fully exercise CCOP's discretionary authority to conduct investigations of citizen complaints.

**REVIEW TIME FRAMES** -The CCOP noted the need to address time requirements within statute; specifically with regards to time constraints for processing complaints. The legislation placed no time constraints upon IAD's investigation. However, it gave CCOP only an initial 30 days, plus a short 10-

## 2003 (FY2004)

In 2003 (FY2004) the CCOP reviewed 105 investigations, with 307 individual allegations of misconduct. The CCOP changed from a fiscal year reporting cycle to a calendar year cycle to align reporting with the County's budget year. The concerns and issues presented in the 2003–2004 annual report were as follows.



day extension to review IAD's investigation and its report of recommended actions. This timeframe was completely out of balance.

**NAME CHANGE-** The CCOP continued to note the confusion its legislatively mandated name, Citizen Complaint Oversight Panel, causes citizens. The name does not reflect that the CCOP only handles citizen complaints related to police practices. CCOP continued to receive a significant number of citizen complaints that are totally unrelated to police conduct.

**HARASSMENT-** The CCOP repeatedly voiced concerns about the statutory definition of harassment. The CCOP remained concerned about these issues, which, with the enactment of CB59-2001, could be addressed administratively within the Police Department. The Department should re-evaluate and modify its standards for charging officers with abuse of authority as intimidation and/or harassment. Alternatively, this issue may need to be addressed through legislative action.

**FALSE STATEMENT-** The CCOP continued to review cases where officers testify untruthfully. The CCOP firmly believed that the Chief and IAD need to be more aggressive in the pursuit of cases involving dishonest testimony by officers. The failure to hold officers accountable for their failure to be truthful seriously undermines the investigative process, detracts from its credibility and reinforces the perception that officers support wrongdoing by their colleagues.

**PART TIME EMPLOYMENT-** The Panel received cases involving police officers on off-duty assignments from the Prince George's County Police Department. The Panel suggested that the Department re-evaluate its policy allowing officers to perform private, part-time, and off-duty work and reiterated its reasons.

**VIDEO CAMERA USAGE-** There are inconsistencies in the use of these cameras. Police policy and procedures were modified to include a more detailed and consistent use policy. However, the CCOP continued to review a large number of cases involving inoperable or turned off video cameras. In a majority of these instances, the missing videotape could have provided the IAD investigator and the CCOP with a firmer foundation upon which to base their final recommendations.

**APPLICATION OF USE OF FORCE POLICY -** The CCOP reviewed several cases involving critical uses of force that involved death and serious injury. In several cases, the officers actions were contradictory to the GOM's Use of Force policy and the Department's Use of Force Continuum. The CCOP sent to the Chief, along with these recommendations, a point-by-point analysis of how the investigation and witness testimony proved that GOM procedures designed to control or prevent these situations were either violated or ignored. The Department's Use of Force policies remain ambiguous, subjective, and the application of charges is too often left to the discretion of investigators.

**QUALITY OF IAD INVESTIGATIONS-** The CCOP raised concerns regarding the quality of the investigations. During this reporting period, the CCOP received investigative files that were incomplete, contained errors and had summaries of investigative findings that contained inflammatory and leading statements, as well as biases. The CCOP remanded such cases back to the Department for review and resolution. The CCOP recommended that the Department institute a process for conducting quality checks of its investigators and investigations.

**EARLY WARNING SYSTEM-** The CCOP was concerned with the number of complaints it reviewed where the officers were respondents in prior complaints. The CCOP recommended that repeat offenders of serious, sustained allegations be terminated. The CCOP also recommended that the Department upgrade its early warning system to keep it current for use in the complaint review process.

**EDUCATION AND RECRUITMENT-** A review of demographic data for officers in investigations reviewed by CCOP indicated that high school is the highest level of education completed by a majority of officers. Research indicated that, for most of the surrounding metropolitan police forces, the

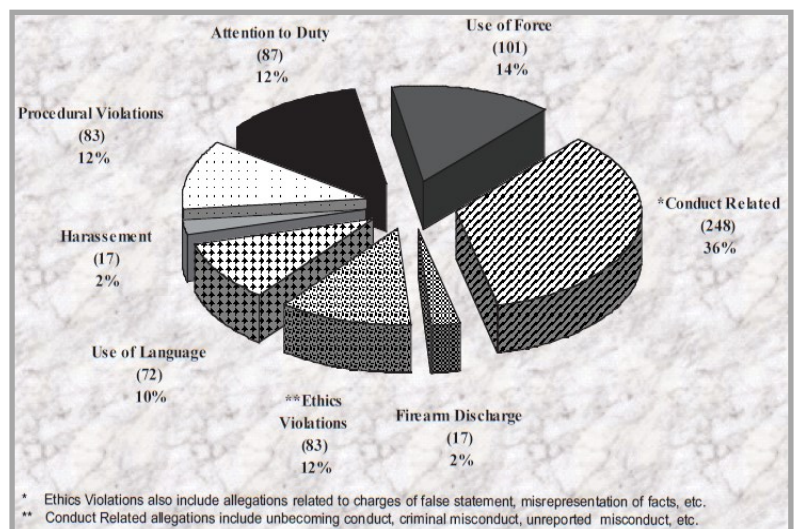
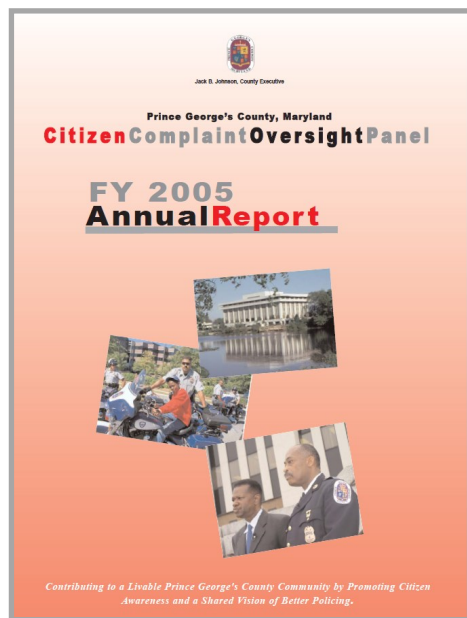


minimum education level for recruitment is an Associate Degree. The CCOP recommended that the Department upgrade its criteria to include an Associate Degree as the minimum required education.

## FY2005

In FY2005, the CCOP reviewed 224 investigations, with 708 individual allegations. The concerns and issues presented in the FY2005 annual report were as follows.

Since 1991, the CCOP has repeatedly voiced its concerns regarding the scope of harassment complaints, false statements, problems with off-duty secondary employment, and provisions of the Law Enforcement Officers' Bill of Rights (LEOBR). While progress has been made in these areas, some remained problems and were concerns for CCOP in FY2005, as well.



In FY2005, the CCOP noted the same concerns outlined in prior reports and there were no new issues to report. However, the CCOP did express concern with the progress and feedback it received regarding the issues it had already shared, and had no updates to report in FY2005. Those issues are listed below.

- FALSE STATEMENT
- FUNDING FOR INVESTIGATIONS
- REVIEW TIME FRAMES
- NAME CHANGE
- HARASSMENT
- PART TIME EMPLOYMENT
- VIDEO CAMERA USAGE
- APPLICATION OF USE OF FORCE POLICY -
- QUALITY OF IAD INVESTIGATIONS
- EARLY WARNING SYSTEM
- EDUCATION AND RECRUITMENT

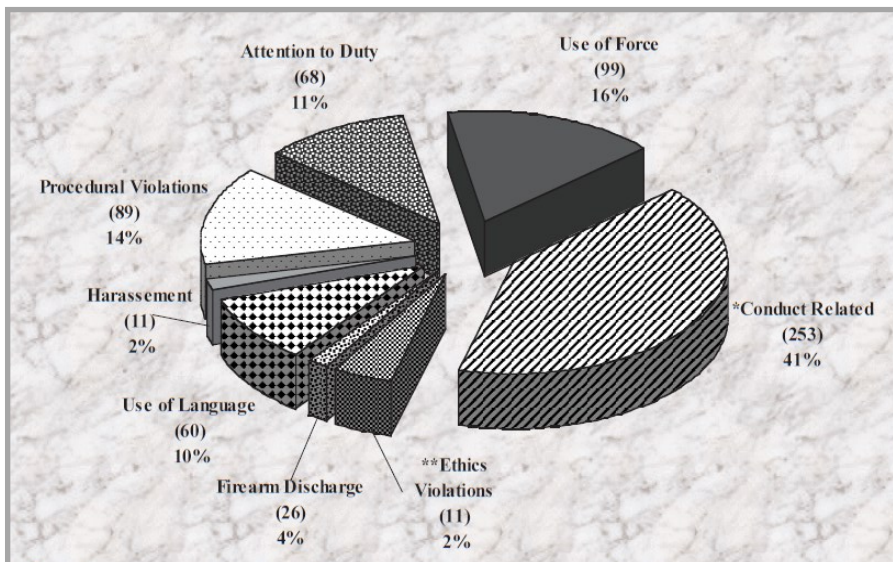
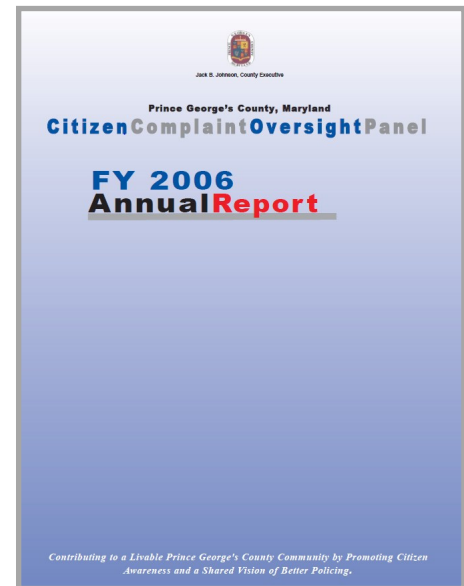
## FY2006

In FY2006, the CCOP reviewed 258 investigations, with 617 individual allegations. The concerns and issues presented in the FY2006 annual report were as follows.

In the FY2006 report, the CCOP noted that the Department had made progress in several of the CCOP's prior areas of concern, and this progress was acknowledged and commended by the then independent Monitor for the DOJ Memorandum of Agreement. Specifically, the Department had improved its usage of video cameras and CCOP reviewed fewer cases where their activation of the was an issue.

In FY2006, the CCOP questioned the use of force policy in only three cases and noted more consistency in the application of the policy across the board. However, the CCOP continued to believe that aspects of the use of force policy are too subject to interpretation.

In prior reports, CCOP expressed its concern regarding the restrictive definition of harassment set forth in the CB-25-1990. This legislation defines harassment as "repeated, unwar-



ranted verbal or physical annoyances, threats, or demands." With the expansion of the types of investigations referred to CCOP, it has been noted that the Department now classified conduct that does not meet this restrictive definition under other categories of misconduct.

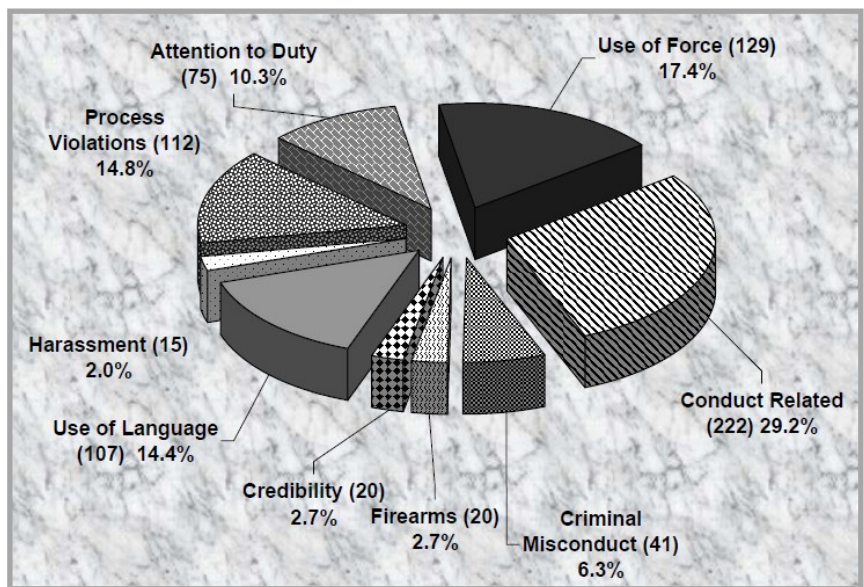
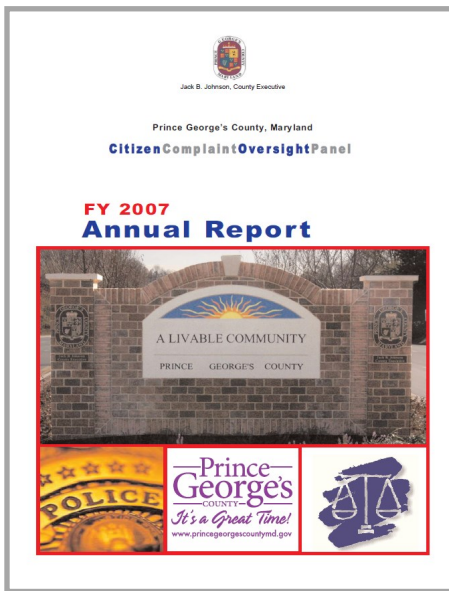
The number of cases with complaints related to an officer's part-time employment remained a concern. It was realized that a long-term resolution to this issue must be addressed at the state legislative level. The CCOP,

however, continued to encourage the Department to take a closer look at part-time employment and identify ways to mitigate its impact on officers, citizens, and the Department. Listed below are the external and internal issues and concerns that had not been addressed during the FY2006 reporting period. Details on these can be found in FY2005 section above.

- FALSE STATEMENT
- REVIEW TIME FRAMES
- PART TIME EMPLOYMENT
- QUALITY OF IAD INVESTIGATIONS
- EARLY WARNING SYSTEM

## FY2007

In FY2007, the CCOP reviewed 225 investigations, with 741 individual allegations. The concerns and issues presented in the FY2007 annual report were as follows.



In FY2007, the CCOP continued to express concerns regarding **REVIEW TIME FRAMES** and **VIDEO CAMERA USAGE**. While not prevalent issues, the CCOP noted several additional areas of concern in FY2007. They are as follows.

- **INTERROGATION TECHNIQUES** (The CCOP believed these could be addressed through training)
  - ♦ **Leading Questions** - Investigators often asked questions in a manner that solicited or implied a specific response sought by the investigator. Such as, "The officer wasn't in the room, right?"
  - ♦ **Lack of Follow-up Questions** - During reviews, the CCOP noted that some investigators failed to ask follow-up questions when responses to other questions suggested the need for clarification or additional questions.

**REMANDS** - When the CCOP had questions, requested additional information or noted a problem with an investigation, it remanded the case back to the investigator for remedy. It was taking as many as 300 days for these cases to be resubmitted to the CCOP.

**SECONDARY EMPLOYMENT** - The CCOP noted an increase in the number of officers being charged with not reporting their secondary employment. The Panel suggested that the Department review and revise its policies to ensure proper reporting and disciplinary actions for failure to report. Additionally, the relationship between the officer and their secondary employer should be reviewed. Of special concern to the CCOP is establishing when officers should be following the Department's policies, as opposed to those of the secondary employers.

**GENERAL ORDERS MANUAL** - The Department has revised its GOM. This new GOM is difficult to navigate and it is not intuitive. At a minimum, the Department needs to include an index to help users locate information.



**USE OF FORCE CATEGORIES** - In the past, CCOP received use of force allegations that clearly defined, in the listing of allegations, what type of force was being investigated, i.e., aggressive force, unnecessary force, excessive force. CCOP no longer received this clarification and had to assume a category for the use of force. For example, in instances where force may have been appropriate, but the complaint alleged a level of force that was excessive, findings are being presented only as they relate to whether or not the use of force was legal, per the GOM.

**EARLY WARNING SYSTEM**- The Department has advised the Panel that it uses data from this system in its review of cases. However, neither this data nor the investigator's analysis of the data is made a part of the Report of Investigation. As such, the investigator is using data for his recommendations that Panel cannot access. This information should be shared with the CCOP.

## FY2008

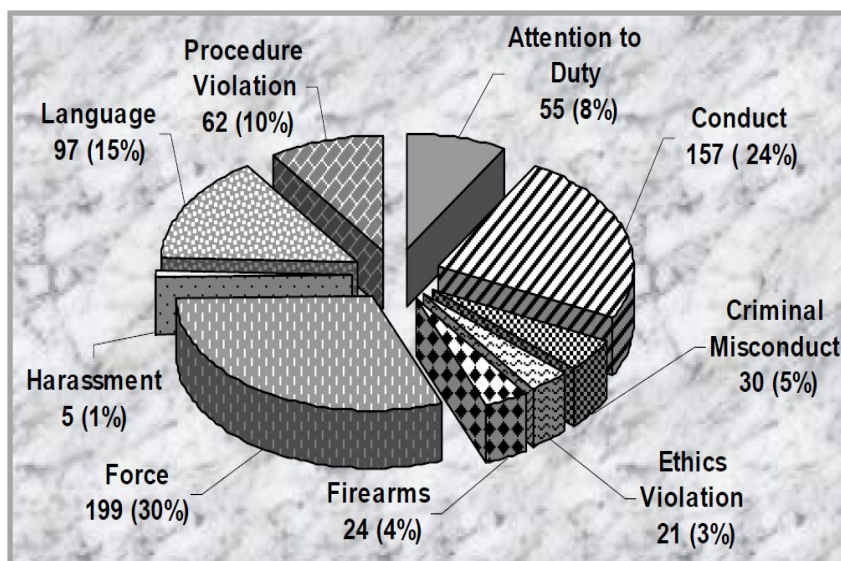
In FY2008, the CCOP reviewed 224 investigations, with 650 individual allegations. The concerns and issues presented in the FY2008 annual report were as follows.



In FY08, the CCOP continued to note the Police Department's willingness to address the CCOP's concerns. The Department acknowledged and put in place several steps to resolve many CCOP concerns that are within their purview. The following is a listing of the new concerns for FY08.

**BIASED-BASED PROFILING** -The CCOP had concerns regarding complainants that accuse officers of Biased-Based Profiling. It was the Department's opinion that these allegations were based on perception, and often determined that the allegations were unfounded or did not happen. The CCOP was concerned that they were being summarily dismissed and deemed unfounded. The CCOP recommended that the Department develop a written policy and procedures for harassment and biased-based profiling that are unambiguous and clearly defined the definition for harassment and biased-based profiling, as well as the applicable violations.

**FALSE STATEMENT vs. MISREPRESENTATION OF FACTS** - The CCOP had a longstanding issue with the Department's application of its policy regarding False Statements and Misrepresentation of Facts. The GOM defines false statement as "reporting or causing a report of false information, proved by the evidence that's such report is untrue, deceitful *or* made with intent to deceive." Misrepresentation of Fact is defined as "the submission or giving of a report or statement con-



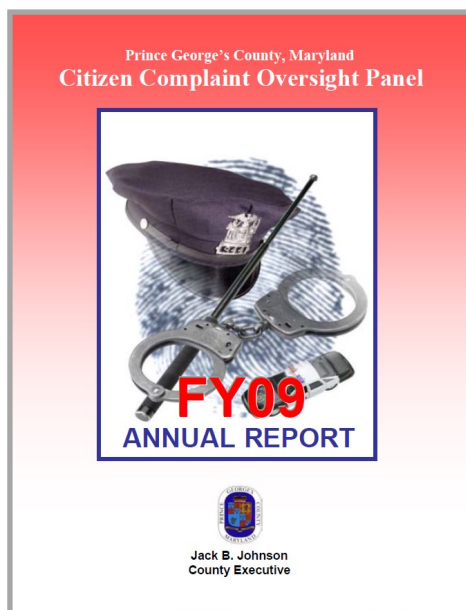
taining improper or inaccurate information.” The CCOP’s concerns were related to officers who willingly provided false information or made obvious false statements, but are charged with the lesser offense of Misrepresentation of Fact. The CCOP recommended that if the Department has created new standards for justifying a charge of false statement, the GOM be changed to reflect the new standards.

**VIDEO EVIDENCE** - The CCOP noted that with some regularity, the DVDs received from the MVS had missing or inaudible components. These missing components would have proven useful to the case review. The Panel recommended that the Department institute a process to ensure that video and other evidence collected in an investigation is included in and remains with the case file.

**SECONDARY EMPLOYMENT**—The Chief advised the CCOP that Maryland law specifically prohibits any police agency from instituting prohibitions on officers engaging in secondary employment. The Panel was advised that the Department would continue to improve its ability to monitor secondary employment abuses and privileges. The Panel recommended that the Department develop stricter reporting and monitoring policies to govern officers' participation in parttime employment.

**INVESTIGATIVE PROCESS** – The CCOP noted that, in some cases, investigators fail to fully investigate all the charges applicable to a complaint. The CCOP recommended that the Department explore national best practices to identify processes and procedures for conducting police accountability investigations and interviews that will ensure all aspects of a complaint are fully identified and investigated. It was also recommended that investigators be trained or re-trained on interrogation techniques.

**ALCOHOL USE AND DEPARTMENT VEHICLES** - The CCOP had concerns related to the application of the GOM regarding the consumption of alcohol and the use of police department vehicles. The GOM is unambiguous about the Department’s policy in this regard. It lists, without exceptions, as a prohibited use of Department Vehicles, “operation by employees who have consumed alcoholic beverages.” In the related cases reviewed by the CCOP, the Department’s application of this provision, however, was not congruent with the GOM. The Panel recommended that the Department apply and enforce this GOM provision as written and, without alternative interpretations or exclusions.



## FY2009

**In FY2009, the CCOP reviewed 214 investigations, with 745 individual allegations. The concerns and issues presented in the 2010 annual report were as follows.**

In FY09, the CCOP continued to note aspects of its prior concerns. However, the CCOP also acknowledged the Police Department’s willingness to acknowledge and attempt to address most of those concerns. Some of the CCOP’s recommendations have been incorporated or implemented in police policies and practices. Meanwhile, other issues are still under review. The following were listed as new concerns for FY09.

**COMMUNICATING REASON FOR TRAFFIC OR CITIZEN STOPS**—The CCOP noted an emerging pattern of cases where officers appeared unwilling to articulate, to the involved citizen, the lawful reason for a stop at the first

point of contact. The CCOP recommended that officers be trained to clearly address the reason for the stop at the first point of contact or immediately upon asking the citizen for identification, driver's license and/or registration information.

**DELAY OR FAILURE TO CLEARLY PROVIDE OFFICER IDENTIFICATION INFORMATION**— The CCOP also noted an emerging pattern in cases where officers are not providing identification information to citizens or not providing it in the manner dictated by the GOM, Volume I, Chapter 32, Section 21, which states that when confidentiality is not an issue, “an employee will provide their name rank and identification number upon request, The identification will be **clearly** provided.” The CCOP recommended that officers be required to promptly respond to requests for identification, regardless of how the request is phrased. The CCOP was aware that the GOM specifies that the information does not have to be provided in writing. However, the CCOP still suggested that officers provide citizens with a business card.

**CONFISCATION OF CELL PHONES**— The CCOP noted instances where a cell phone used by an involved citizen became an issue when the citizen continued to use the phone after the officer has asked them to discontinue use. Officers responses to this scenario have been varied and arbitrary. In many instances, the phone has been forcibly removed from the citizen's hand or the earpiece has been forcibly removed. The Panel recommended that the Department review existing procedures or implement a procedure dictating a protocol for officers to follow when they believe a citizen's use of a cell phone is interfering with the officer's duty.

**TREATMENT OF POLICE CADETS**— The CCOP has noted an emerging pattern of allegations from police cadets that demonstrated incidents of physical and/or verbal abuse clearly not associated with a training scenario or training objective. These situations may prove to detrimentally affect new officers' perceptions of how to properly treat citizens. The Panel recommended that when dealing with cadets, training officers and other officers should refrain from using force or language that goes beyond what the GOM has deemed as appropriate behavior for officers.

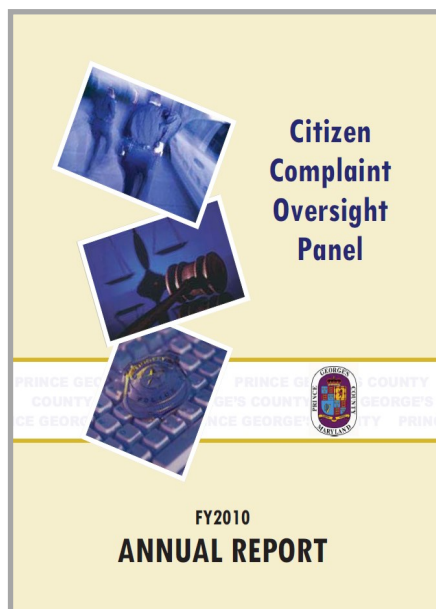
## FY2010

**In FY2010, the CCOP reviewed 197 investigations, with 897 individual allegations. The concerns and issues presented in the 2010 annual report were as follows.**

The CCOP noted that, for the most part, concerns from prior reports remained unresolved in FY10. While the details of each of these longstanding concerns are not reiterated in this report, the most significant of these issues, off-duty secondary employment, is addressed.

**Secondary Employment (Longstanding Issue)** -The most significant outstanding issue was off-duty secondary employment. The Department indicated that it shared the Panel's concerns about off-duty, part-time employment. However, each year, the Panel continued to receive cases involving police officers on off-duty, secondary employment assignments. While the CCOP did not record statistical data on cases resulting from secondary employment, Panel reviews in FY10 indicated an apparent increase in the serious allegations involving officers on secondary employment. This issue was reaching a critical

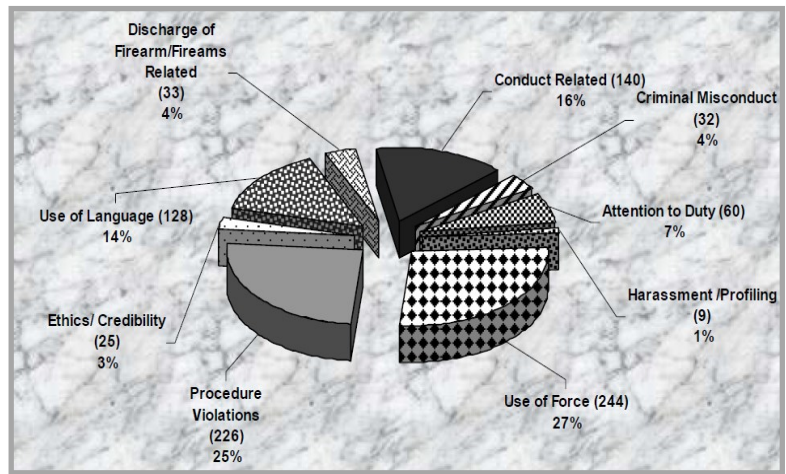
mass as it relates to risk and liability for the County. The Panel again recommended that the Department develops a process for stricter reporting and monitoring to govern officers' participation in part-time employment. Additionally, the panel also recommended that ways to mitigate the County's liability regarding officers on secondary employment be investigated.





## NEW ISSUES FOR FY10

**Firearms and Intoxicants-** In FY10, the CCOP received a new category of allegations involving firearms and intoxicants. The GOM states that officers shall not be armed while under the influence of intoxicants or medications that may render them incapable of effectively using a firearm. The seriousness of this type of violation has the potential for harm or injury to the public and necessitates that the Department continues to investigate these allegations with the utmost priority. The CCOP recommended that the Department clearly remind officers that, according to the General Orders Manual, officers must not carry firearms while under the influence of an intoxicant. The CCOP also recommended that a segment on firearms and intoxicants be included in both academy training and periodic updates for veteran officers.



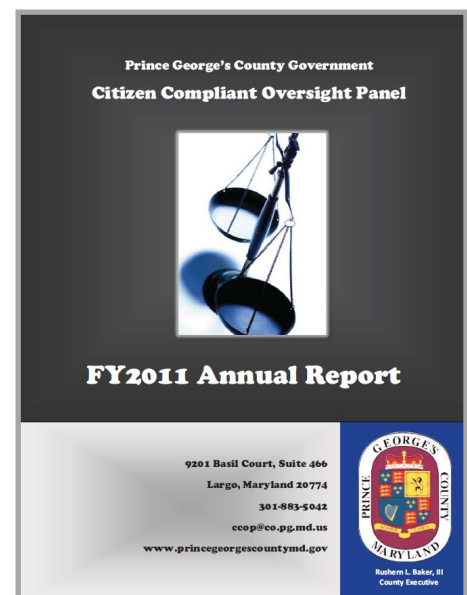
**Lack of Functioning Mobile Video Systems during Traffic Stops-** The CCOP noted an increase in officers who fail to utilize and/or maintain the MVS in accordance with GOM procedures. This particular issue was removed as a recurring issue in the FY09 annual report. However, it re-emerged in FY10 and the CCOP noted a pattern emerging where many older police cruisers either have no audio visual equipment, have obsolete or malfunctioning equipment or officers have demonstrated a lack of training in properly deploying the equipment. The CCOP recommended that the Department develop a plan to ensure greater, more adequate use of the audio visual equipment to provide for proper video monitoring equipment to be installed in all departmental vehicles as soon as possible. Additionally, the CCOP recommended that officers be given periodic training to remind them of the necessity and benefit to properly functioning video monitoring equipment.

**Searches** -The CCOP was concerned about the number of cases it reviewed that included possible 4th Amendment violations related to “stop and frisk” and vehicle searches. The CCOP’s legal counsel noted that officers were not meeting the standard for stop and frisk, and other searches, as determined by the GOM and recent Supreme Court decisions (i.e. Arizona vs. Gant). Of particular concern was officers’ inability to articulate, to the citizens or the IAD investigators, a legally sufficient reason for the “stop and frisk” or vehicle search. CCOP recommended that the Department revisits its procedures and GOM provision regarding “stop and frisk” and other searches to determine if policy revisions or retraining are required to align Departmental practices with current law and court decisions.

## FY2011

**In FY2011, the CCOP reviewed 177 investigations, with 588 individual allegations. The concerns and issues presented in the 2011 annual report were as follows.**

**Secondary Employment (UPDATE)** - Realizing that this issue had reached critical mass as it relates to risk and liability for the County, during his phase as the interim police chief, Police Chief Magaw created an "*Office of Secondary Employment*" to review, revise, and provide ongoing management of policies and issues related to secondary employment. This new office has already



implemented a new process for the officers to notify their commanders when and where they will be working secondary employment.

**Functioning MVS Systems (UPDATE)** - With regard to insuring that vehicles are equipped with operational MVS systems, the CCOP was advised that as fleet vehicles are retired, they are replaced with vehicles that are equipped with the technology to do audio and video recording of required stops. This replacement cycle will continue as vehicles are retired and updates to technology are dictated. The CCOP received no status regarding its recommendation to insure updated training on MVS.

## NEW ISSUES

**Police Property Management-** The CCOP noted, an emerging pattern where officers failed to appropriately handle and track evidence or property in a case. It became apparent to the Panel that the Department has a system-wide challenge of properly recording and subsequently tracking both evidence and property. Upon further inquiry with the Department, it also became clear that the property and evidence management system was highly decentralized and full of opportunities for error and mismanagement. The CCOP recommended that the department review the overall system of handling and tracking property and evidence and establish a single, standardized method that reduces the chances for misplacing, mislabeling, or simply losing materials. By the end of FY11, the CCOP had been informed that the department was in the process of installing a completely revised and updated property management system and that all of the police districts throughout the county would be updated before the end of the next fiscal year.

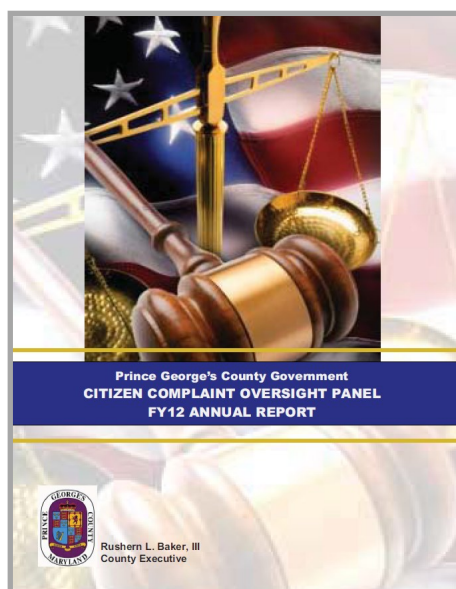
**Implementation of New Complaint Processing Procedures** - The Department implemented a new process for investigating complaints without advising the CCOP. When the CCOP noted an overall decrease in the number of complaints and completed investigation referred, the Panel sought an explanation. The Panel was advised of a new Field Case Inquiry processing procedure. The Panel had a number of concerns, not only for the processing of complaints, but also for the quantity and quality the investigations resulting from this new process. These concerns were expressed in an initial meeting with the Deputy Chief Administrative Officer for Public Safety and Commander of the Office of Professional Responsibility. As a result, any incoming complaints that were already processed as inquiries, were retroactively forwarded to the CCOP for review. Sixty-two inquiries were forwarded to CCOP. After reviewing them, the CCOP disagreed with the Department's decision not to conduct full IAD investigation for 59%. The Panel requested that all complaints designated for the inquiry process be forwarded to the Panel for review and recommendation prior to final determination of the complaint status.

## FY2012

**In FY2012, the CCOP reviewed 146 investigations, with 445 individual allegations. The concerns and issues presented in the 2012 annual report were as follows.**

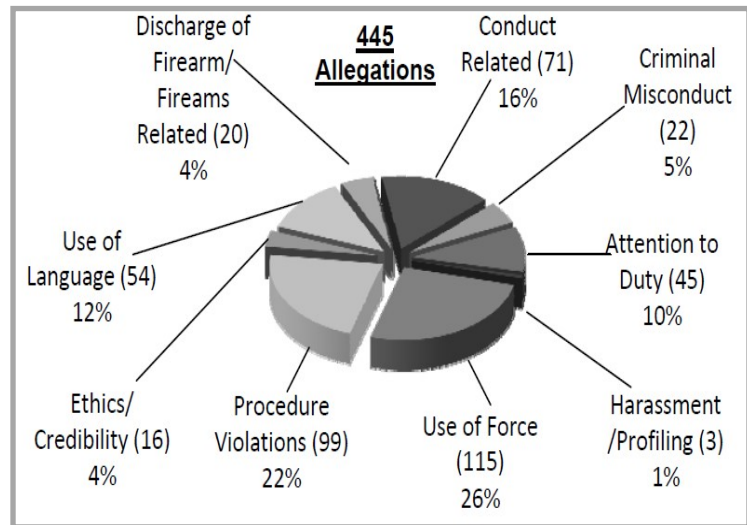
In FY2012, the CCOP reported the statuses and update for the following prior recommendations:

**Secondary Employment (UPDATE)** - The Office of Secondary Employment issued a formalized policy for all officers, including many provisions related to who could participate in secondary employment, establishing a formalized process for businesses and officers to request and receive approval for secondary employment, and requiring officers to more clearly log when they are undertaking secondary employment. The CCOP



noted a steady decline in complaints related to secondary employment since the deployment of this new policy.

**Investigative Process** - The CCOP noted an improvement in the quality of the questioning and investigation into the allegations outlined in the original complaints, as well as additional allegations that may emerge during the course of the investigation. However, there is still room for improvement and the Panel held a meeting with the Department to discuss both the areas where improvement has been noted, as well as highlight areas where improvement and attention to detail continue to be needed.



**General Order Manual Format** - The Department has reviewed and updated the GOM to make it a more responsive document.

**Property Management** -The CCOP was informed that the Department had installed a completely revised and updated property management system and that all of the police districts throughout the county would be updated before the end of the next fiscal year.

## NEW ISSUES FOR FY12

**Accidental Discharge and Improper Storage of Firearms** –The Panel observed an increase in the number of cases involving the accidental discharge or improper storage of firearms. Fortunately, in these cases, there were no resultant injuries or deaths. However, a pattern seems to be emerging that reveals a somewhat inattentive handling of firearms, especially while off duty or in a domestic environment with one case even resulting in the theft of the officer’s service weapon. The Panel recommended that the Department continue to emphasize, in both training and regular updates, to its officers the proper handling and use of firearms while both deployed or in storage. The CCOP commended the Department for its seriousness in investigating all incidents related to both the accidental discharge of firearms, as well as their improper storage.

**Sexual Misconduct and Domestic Assault**-The Panel noted an increase in the number of allegations related to sexual misconduct or alleged domestic assault involving officers. The Panel expressed concern that this issue be taken seriously by the Department. The Panel recommended that the Department review its training for officers relating to ethics and judgment. The Panel also recommended that the Department review the availability of resources for domestic counseling and advise those officers involved with the allegations that such resources are available to them.

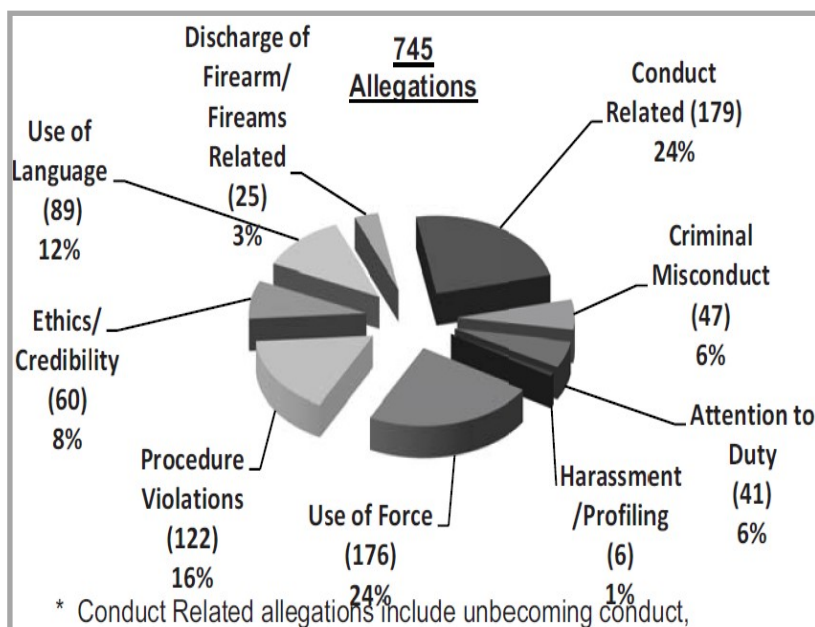
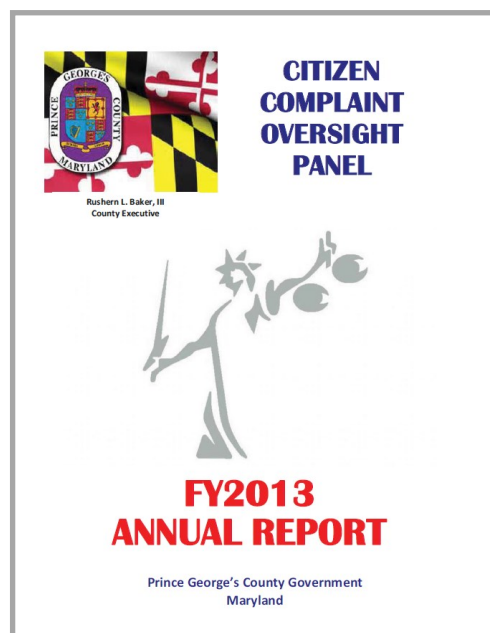
**Questionable Judgment, Ethics, and Misrepresentation of Facts**– The Panel’s reviews revealed an emerging, and potentially concerning trend of officers exercising questionable judgment, a lack of attention to duty, or situations that could cast doubt on their ethical behavior or the proper representation of facts. Some of the cases involved allegations of failure to report “found property”; driving while under the influence; using county vehicles outside of the county without authorization or for personal purposes; unprofessional behavior related to the destruction of stored and catalogued evidence; drawing their weapon during a private dispute; and presenting oneself as an active duty officer while on suspension. The Panel recommended that the Department review its training and orientation related to ethics and proper behavior and advised the Department to seriously consider bolstering the training related to ethics for both new recruits and veteran officers.



## FY2013

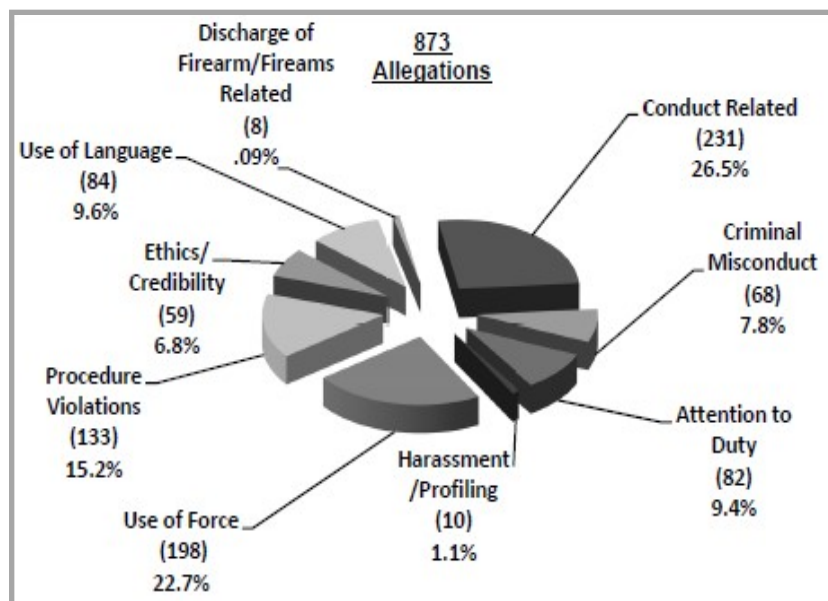
In FY2013, the CCOP reviewed 221 investigations, with 745 individual allegations. The concerns and issues presented in the FY2013 annual report were as follows.

The issues noted in FY13 were a continuation of those noted in FY12 and are repeated here. The CCOP did not receive updates on the status of those issues in FY13.



## FY2014

In FY2014, the CCOP reviewed 221 investigations, with 873 individual allegations. The concerns and issues presented in the 2014 annual report were as follows.





In 2014, the CCOP returned to a calendar year reporting cycle to align report data with the Department's reporting cycle for cases referred to the CCOP. The issues noted in FY14 were a combination of issues from previous years that were resolved or have demonstrated noticeable improvement. Those are as follows:

## IMPROVED ISSUES

**General Order Manual Format** - The Department reviewed and updated the GOM to make it a more responsive document. In the last fiscal year, the Department also provided the Panel with access to an electronic version in a searchable format. This issue has been resolved.

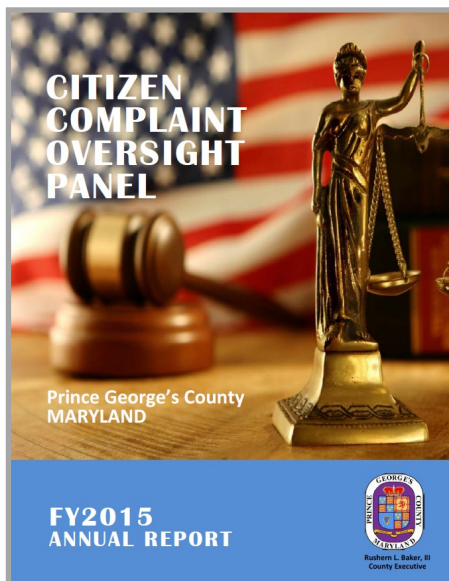
**Sexual Misconduct and Domestic Assault**—The Panel recommended that the Department review its training for officers relating to ethics and judgment and that the Department review the availability of resources for domestic counseling and advise those officers involved the allegations that such resources are available to them. In FY14, the Panel noted an apparent decrease in the number of cases related to sexual misconduct and domestic assault. The panel continued to monitor these types of cases to see if the apparent decrease continue into subsequent years.

**Delay or Failure to Clearly Provide Officer Identification Information**— The Panel noticed an apparent significant decrease in the number of complaints related to the failure of officers to clearly provide identification upon request. While a small number of cases did emerge in FY14, the significant decrease in the frequency of this type of allegation in FY14 appears to suggest that the Department considered the Panel's concerns and made an effective effort to train and remind their officers to properly and clearly inform citizens of their identification and names.

**Secondary Employment**— Since the Department created the Office of Secondary Employment, the CCOP's concerns have been addressed and this is no longer an issue.

## FY2015

**In FY2015, the CCOP reviewed 194 investigations, with 746 individual allegations. The concerns and issues presented in the 2015 annual report were as follows.**



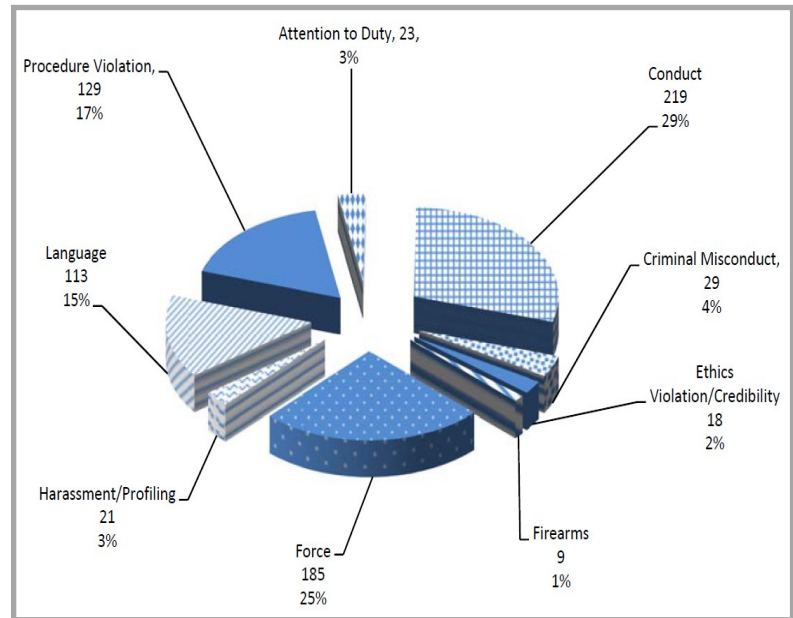
The CCOP noted the following new and re-emerging issues in FY15.

**Identifying Purpose of Traffic Stops** -This issue emerged again in FY15. The GOM requires that officers immediately notify a motor vehicle operator of the reason for a traffic stop. However, throughout FY15, the Panel reviewed incidents where officers failed to immediately and properly do so. The Panel reminded the Department of the need to provide sufficient training to its officers regarding the proper conduct of a traffic stop. Such training could contribute to the reduction of incidents and complaints related to traffic stops.

**De-Escalating Situations**- The Panel reviewed several incidents where the actions of the officer quickly and unnecessarily escalated to uses of force or other actions taken by the officer against a citizen. The Panel recommended a bolstering of training by the Department in de-escalation techniques and actions. The Panel

also recommended that the Department develop a new award ribbon to be presented to officers who successfully de-escalate a situation where force otherwise would have been necessary.

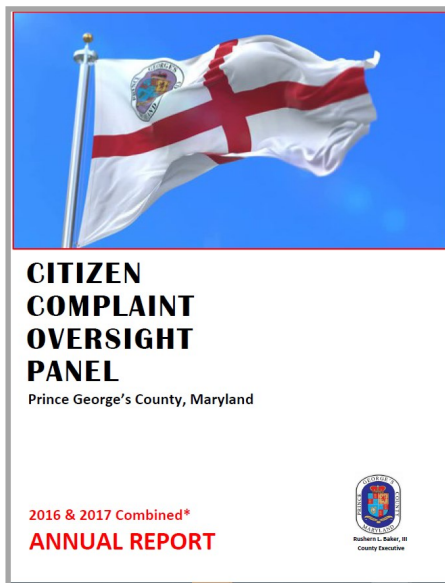
**Videotaping of Officers by the Public-** The CCOP reviewed many incidents where officers attempted to confiscate or actually confiscated cellular phones of members of the public who were attempting to videotape them, which is a constitutionally protected right. Officers enjoy no expectation of privacy while performing police duties and should assume that they are being videotaped at all times while working. Often, videotaped footage of officers by citizens shows that the officer was in fact acting in a proper manner. The Panel recommended that the Department emphasize, during training and provide regular reminders, that officers should focus on following departmental procedures rather than being concerned about being videotaped and that citizens have a right to record officers' conduct while on duty and during their performance of police functions.



## FY2016 and FY2017 Combined

In FY2016, the CCOP reviewed 155 investigations, with 598 individual allegations. In FY2017, the CCOP reviewed 195 investigations, with 489 allegations. The concerns and issues presented in the combined FY2016 and FY2017 annual report were as follows.

**OFFICERS INVOLVED IN SCENARIOS RELATED TO “RENT DEALS”** - The CCOP noticed a pattern of officers involved in complaints that arose from incidents taking place at the officer's place of residence. In partic-



Allegations	2015	%	2016	%	2017	%	Chg 2015-2017
Use of Language	113	15%	67	11%	89	18%	-21%
Use of Force	185	25%	156	26%	89	18%	-52%
Conduct-Related	219	29%	128	21%	97	20%	-56%
Procedure Violations	129	17%	145	24%	117	24%	-9%
Harassment /Profiling	21	3%	25	4%	12	2%	-43%
Ethics/ Credibility	18	2%	27	5%	18	4%	0%
Discharge of Firearm/Not Use of Force	9	1%	6	1%	5	1%	-44%
Attention to Duty	23	3%	15	3%	36	7%	57%
Criminal Misconduct	29	4%	29	5%	26	5%	-10%
<b>Total</b>	<b>746</b>		<b>598</b>	<b>100%</b>	<b>489</b>		

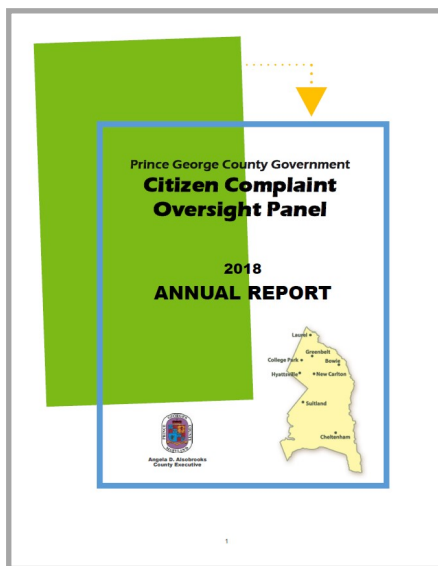
ular, this was related to officers who receive “rent deals”. This is a scenario where an officer received a discounted rent for acting as an enforcement agent to help the owner or manager of the property to maintain order and public safety. The Panel recommended that the Department in-

clude in the General Orders Manual provisions that clarify the rules and responsibilities under such arrangement. Specifically, while a “rent deal” is not necessarily secondary employment, the benefits received by an officer and the actions taken by that officer with such a deal are somewhat akin to secondary employment.

**DE-ESCALATING SITUATIONS AND TRAINING FOR INHERENT BIAS**—As in previous years, the Panel reviewed several incidents where the actions of an officer quickly and seemingly unnecessarily escalated a situation resulting in a use of force or other actions taken by the officer against a citizen. Additionally, there have been cases where citizens interacting with police officers stated that they believed that they experienced biased treatment from officers. The Panel recommended a bolstering of training by the Department in de-escalation techniques and actions. This is especially important during incidents which involve emotionally disturbed persons. The Panel also recommended that the Department enhance its existing training related toward inherent or implicit bias. This was not a critique necessarily directed at any single specific action or situation encountered by the Panel in 2016 or 2017, but instead a reflection of the need under heightened societal concern about policing.

## FY2018

**In FY2018, the CCOP reviewed 109 investigations, with 411 individual allegations. The concerns and issues presented in the 2018 annual report were as follows.**



Allegations	2017*	%	2018	%	%Change
Attention to Duty	36	7.4%	19	4.6%	-47.0%
Conduct Related	97	19.8%	120	29.2%	23.7%
Criminal Misconduct	26	5.3%	23	5.6%	-11.5%
Ethics	18	3.7%	38	9.2%	111.1%
Firearms	5	1.0%	4	1.0%	-20.0%
Harassment/ Profiling	12	2.5%	5	1.2%	-58.3%
Procedure Violation	117	23.9%	58	14.1%	-50.4%
Use of Force	89	18.2%	88	21.4%	-1.1%
Use of Language	89	18.2%	56	13.6%	-37.1%
<b>Total</b>	<b>489</b>	<b>100%</b>	<b>411</b>	<b>100%</b>	<b>-16.0%</b>

The CCOP did not have update status on its prior listed concerns to report. However, the below new issues emerged in FY2018.

**USE OF POLICE POWERS FOR PERSONAL CONCERNS/BENEFITS** - The Panel found officers using their positions as law enforcement professionals to advance personal concerns. In several cases, the respondents used their positions as law enforcement officers to insert themselves into investigations or take actions related to their own personal property. While none of the specific cases may have been illegal, each of these cases arguably could create an impression that the officers were using an inappropriate advantage to protect their own personal interests or property. The Panel recommended that the Department developed a policy that either prohibited officers from involving themselves in cases that could carry the impression of conflicts of interest or develop a protocol to provide enhanced oversight or transparency related to the officer's involvement in the case or incident.

**DOMESTIC DISPUTES AND ALTERCATIONS**- The Panel reviewed several cases involving issues related to domestic disputes. While these cases investigated the conduct of officers outside of their official duties, the nature of the incidents raised concerns about the conduct of some these officers. Some of the cases indicated a pattern of conduct that is arguably unbecoming of an officer, if it were to have happened while on duty. The CCOP inquired if such conduct is included in the Department's overall evaluation of officers' performances. Additionally, the Panel suggested the Department review the counseling services for officers and determine if any enhancements can be provided.



## FY2019

In FY2019, the CCOP reviewed 195 investigations, with 496 individual allegations. The concerns and issues presented in the FY2019 annual report were as follows.

The issues noted in FY2019 were a continuation of those noted in FY2018 and are repeated here. The CCOP did not received updates on the status of those issues in FY2018.



Allegation	2018	2019	Change from 2018
Attention to Duty	19	31	63.2%
Conduct Related	120	101	-15.8%
Criminal Misconduct	23	28	21.7%
Ethics	38	63	65.8%
Firearms	4	4	0.0%
Harassment/ Profiling	5	10	100.0%
Procedure Violation	58	83	43.1%
Use of Force	88	115	30.7%
Use of Language	56	60	7.1%
<b>Total</b>	<b>411</b>	<b>495</b>	<b>20.4%</b>

## FY2020

In FY2020, the CCOP reviewed 93 investigations, with 426 individual allegations. The concerns and issues presented in the FY2020 annual report were as follows.



Allegation	2019	2020	Change from 2018
Attention to Duty	31	15	-51.61%
Conduct Related	101	128	26.73%
Criminal Misconduct	28	34	21.43%
Ethics	63	65	3.17%
Firearms	4	6	50.00%
Harassment/ Profiling	10	5	-50.00%
Procedure Violation	83	81	-2.41%
Use of Force	115	56	-51.30%
Use of Language	60	36	-40.00%
<b>Total</b>	<b>495</b>	<b>426</b>	<b>-13.94%</b>

The issues noted in FY2019 were a continuation of those noted in FY2020 and were repeated in the FY2020 report. The CCOP did not received updates on the status of those issues in FY2020.

***NOTE:** The CCOP noted several issues and concerns each reporting period. Upon completion of its reviews, the CCOP immediately relays its issues and concerns to the Chief of Police in recommendation letters for each case reviewed. Some of these issues may have appeared in prior years. However, the fact that they are repeated in this report is not an indication that they are not being addressed. Their inclusion in an annual report indicated that the issue or concern was still pending resolution, and the CCOP repeated them in the annual reports if they re-emerged or until they were resolved or an acceptable explanation was received from the Department.*

## Prior Panel Members

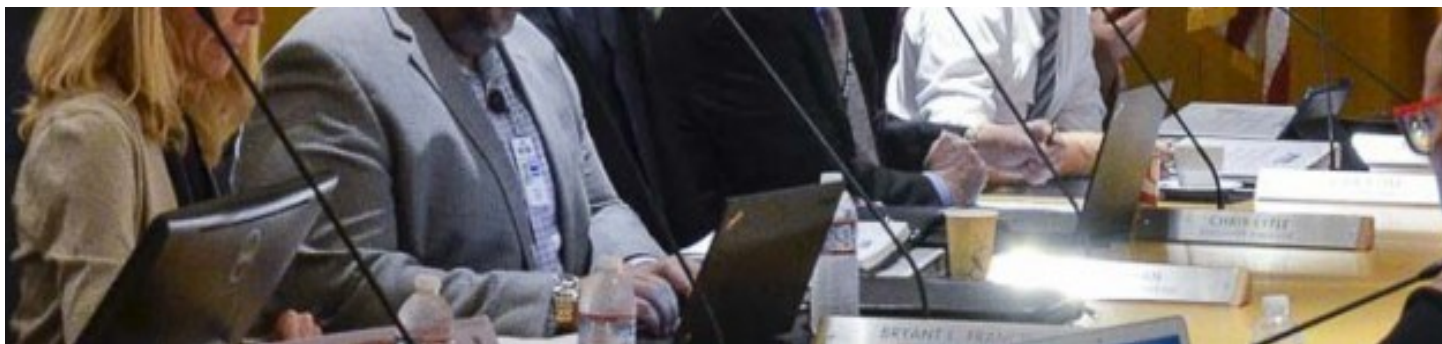
Board service is one of the toughest volunteer roles of all, and the below chairs, members, and attorneys who previously served the Citizen Complaint Oversight Panel over the years performed with dedication and tenacity. We would be remiss if we did not thank them for their contributions and tireless efforts to ensure that the investigations of police misconduct in Prince George's County were fair and impartial, and the decisions and recommendations were appropriate. Together, they have distinguished themselves as judicious stewards of the CCOP's mission and vision.

Alfred Barrett  
Alice Bishop  
Calvin Brown  
Dale Crowell, Chairperson  
Roy Dabney  
Clyde Davis, Chairperson  
Michael Doaks  
Manuel Geraldo, Chairperson  
Mary Godfrey  
Melvin C. Eley, Jr.  
Andrew Ellis  
Florence Felix-Lawson  
Jose' Figueroa, II  
Ron Fisher  
Glenn L. Barnes  
Stephen J. Del Giudice  
Mary Godfrey  
Terry P. Goolsby  
Alfred O. Haynes, Sr.  
Blanco High  
Maggie Holmes  
Alice Holt  
Valarie Kaplan, Chairperson  
Angela King  
Dervey A. Lomax  
Lovern J. Louis, Esq.

Cardell Montague  
James Morrow  
Shaihi Mwalimu  
Jervie S. Petty, Chairperson  
Blenda Pinto-Riddick  
Elijah Puvalarti  
Kimberlei Richardson  
Anthony N. Salvemini  
William Simpson  
Rev. Perry Smith, III  
Irma Spruill  
William Stagg  
Eileen Thomas, Chairperson  
Daniel Vergamini  
Oralyn Weston  
Rev. Robert J. Williams, Chairperson

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Robert C. Bonsib  
James E. McCollum  
Darryl Kelly  
Robyn McIntosh  
Orian Southall  
Gregory Wells





# FINAL REPORT January 2021 - June 2022

## CASE SUMMARIES

Disagree Cases

*Pursuant to Section 18-186.08(b) of the Prince George's County Code, the Citizen Complaint Oversight Panel completed its review of the investigative reports of the Internal Affairs Division with respect to matter referred for the CCOP's review and, in accordance with Section IX(E)(4) of its Operating Policies and Procedures, reached decisions and made the following recommendations and/or comments in following investigations where the CCOP disagreed with the finding of the Internal Affairs Division or commented on the facts of the investigations.*

### #1

This investigation was able to languish unnoticed for such a substantial period. The initial investigator for the case retired before completing an investigation. The case was subsequently reassigned to another investigator who retired before completing an investigation and the case was reassigned again. The last investigator realized that the LEOBR date for completing an investigation had expired.

The CCOP had several questions and concerns regarding the Department's process and procedural timeline for completing investigations. Specifically, what process was currently in place to ensure that investigations, such as this one, do not get lost or remain incomplete? Was there a tracking tool or quality control process? What measures would the Department take in the future to ensure that investigations are completed within all required timeframes?

### #2

The Complainant alleged that during an investigative stop, the Respondents tackled his son, the Involved Citizen, causing injury.

#### Respondent #1

- **Unbecoming Conduct - The Panel agreed with the recommended finding of Sustained.**
- **Violation of the Law: False Statement - The Panel agreed with the recommended finding of Sustained.**

#### Respondent #2

- **Procedure Violation -The Panel agreed with the recommended finding of Sustained.**

#### Respondent #3

- **Procedure Violation -The Panel agreed with the recommended finding of Sustained.**

#### **Respondent #4**

- **Use of Language -The Panel disagreed with the recommended finding of Exonerated and recommended Sustained.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.**

#### **Respondent #5**

- **Procedure Violation -The Panel agreed with the recommended finding of Sustained.**
- **Use of Force -The Panel agreed with the recommended finding of Sustained.**
- **Protocol (Attention to Duty)- The Panel agreed with the recommended finding of Sustained.**
- **Protocol (Attention to Duty)- The Panel agreed with the recommended finding of Unfounded.**
- **Protocol (Attention to Duty)- The Panel agreed with the recommended finding of Unfounded.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.**
- **Protocol (Courtesy)- The Panel agreed with the recommended finding of Unfounded.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**

**COMMENT:** However, the Panel did not agree with the exonerated recommendation for the Use of Language allegation against Respondent #4. Respondent #4 admitted to telling the Complainant to “Get the fuck out of the car.”

The recommendation summary for this allegation quoted the General Order Manual, Volume 1, Chapter 32, Section 5, Sub-Section 4, Use of Language, which states, *Employees shall not use language that is discriminatory, abusive, or inappropriate*. Although the investigator stated that there is sufficient evidence to prove that the allegation did occur, he concluded that it was within departmental guidelines or departmental training. The CCOP disagreed with this assessment and the recommendation to exonerate the Use of Language. The General Order Manual, Volume 2, Chapter 22, Internal Investigative Procedures, explains that exonerated investigative findings apply when “the investigation found the alleged acts did occur, but they were justified, lawful, and proper.” Respondent #4’s language was clearly inappropriate and a violation of the General Order Manual, Use of Language section cited above. It was neither justified, lawful, or proper, as required for an Exonerated finding. Therefore, the Panel recommended that the Use of Language allegation for Respondent #4 be sustained.

The Panel also noted its concern regarding the number of responding officers who not only failed to record the audio portion of this stop, but also failed to turn on their MVS to video record the incident. The investigator did not provide an explanation for why the incident was not captured on any MVS. The CCOP questioned: Were the cruisers on the scene not equipped with an MVS? Was the MVS not working in any of these cruisers? Did all the officers fail to turn on the MVS? The Panel requested that for cases where there is no MVS footage, particularly in situations where the GOM or policy dictates the activation of the MVS, investigators provide a clear explanation for missing MVS footage.

#### **#3**

The Complainant alleged that the Respondent engaged in an unauthorized pursuit that ended in a serious accident involving a citizen. In his investigation statement, the Respondent

stated that, while on patrol he observed a vehicle cut in front of another car. The Respondent further stated that he made a U-turn and attempted to make a traffic stop when the driver made a right turn and refused to stop. The Respondent also stated that he tried to read the license plate but was only able to get partial information. He then advised dispatch, "I got one refusing to stop." The Respondent also stated that, from his training, the vehicle "looked dirty" and suspicious and he, therefore, initiated pursuit.

A Police Witness stated that when he became aware of the pursuit, he inquired about the nature of the pursuit. He was advised that it was traffic incident, that full tag information could not be obtained, and that the vehicle would not stop. The Police Officer Witness ordered the Respondent to stop the pursuit. He indicated that the Respondent replied that "he copied." After confirming that tag information was not obtainable, the Police Officer Witness asked the Respondent a second time to stop the pursuit. A short time later the subject vehicle wrecked.

- **Procedural Violation (Unauthorized Pursuit) – The Panel disagreed with the recommended finding of Exonerated and recommended Sustained.**

**COMMENTS:** The Investigator concluded that there was sufficient evidence to prove that the pursuit did occur but was within Departmental guidelines or Departmental training and recommended that the allegation for Unauthorized Pursuit be Exonerated. The Panel disagreed.

The Respondent did not stop the pursuit when initially ordered to do so. He stated the order came too late for him to stop, as the accident had already happened. However, evidence in the Investigative Report indicates that the Respondent was ordered to terminate the pursuit twice and that there was sufficient time for the Respondent to have terminated. This pursuit was, therefore, unauthorized and subsequently resulted in an accident that sent a citizen to the hospital.

Additionally, the CCOP found that the pursuit should never have occurred. None of the categories and/or provisions outlined in the GOM are provide sufficient authorization for the Respondent to conduct an pursuit of Complainant's vehicle as set forth in the Investigative Report. Therefore, the CCOP recommended that the Procedural Violation (Unauthorized Pursuit) be Sustained.

#### #4

The Complaint alleged the Respondent Officer pulled his service weapon, pointed it to the floor, and told the Involved Citizen to "shut up". It was also alleged that the Respondent Officer threatened to poison the Involved Citizen's food.

- **Unbecoming Conduct – The Panel agreed with Non-Sustained.**
- **Unbecoming Conduct – The Panel agreed with Non-Sustained.**

**COMMENTS:** While the CCOP agreed with the Investigator's recommended findings in this investigation, Panel members noted a concern that review of this investigation was extremely challenging. Specifically, because the Respondent and Involved Citizen have same last name, it was often unclear which person was being referred to in the ROI. When reviewing the facts in the ROI, it was confusing for the Panel to determine which protective order was being referenced and to understand how these orders related to the review of the investigation. Greater attention to detail would have benefitted Panel members in their review.

#### #5

The Respondents alleged that the Complainant was initially targeted because he was parked for an extended period in the parking lot located in an area known for heavy drug

trafficking. The Respondent Officers alleged that, as they approached the vehicle to conduct a field stop, they smelled marijuana emanating from the vehicle and, as they got closer, the Complainant started the vehicle and began to drive away. Respondent Officers observed that, as he drove away, the Complainant was not wearing a seat. This allowed Respondent Officers to conduct a traffic stop and subsequently searched the Complainant's vehicle. Nothing was found during the search and they let the Complainant go with a warning.

#### **Respondent #1**

- **Biased-Based Profiling - The Panel agreed with the recommended finding of Unfounded.**
- **Attention to Duty- The Panel agreed with the recommended finding of Exonerated. Procedure Violation (MVS Failure to Record) - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #2**

- **Biased-Based Profiling - The Panel agreed with the recommended finding of Unfounded.**
- **Attention to Duty- The Panel agreed with the recommended finding of Unfounded.**

**COMMENTS:** The CCOP agreed with the recommendations in this investigation. However, the Panel requested clarification as to the policies and procedures governing field stop; specially what would provide justification for conducting the field stop. In their answers, the Respondents indicated that the initial reason for targeting the Complainant was the length of time he was parked in a high drug trafficking area and that the stop was based on Complainant's failure to wear a seat belt. Other than operate a vehicle without wearing a seat belt, the Respondents did not note any suspect behavior beyond the Complainant sitting in a parked car for an extended period. The Panel wanted to know what additional actions were observed that warranted the Complainant being targeted for the stop. The Respondents indicated that the initial reason for targeting the Complainant was the length of time he had been parked in high drug trafficking area.

#### **#6**

The Complainants stated that the Respondents used force and inappropriate language at the scene of a traffic stop. The Complainant was stopped for displaying a tag that had an MVA pick-up order for insurance violation. When Respondent 1# approached the vehicle, he made contact with the Complainants and he alleged they became verbally combative. The Complainant alleged that the respondents were abusive, condescending, and used inappropriate language.

#### **Respondent #1**

- **Use of Force - The Panel agreed with the recommended finding of Unfounded.**
- **Use of Language - The Panel agreed with the recommended finding of Unfounded.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedure Violation - The Panel agreed with the recommended finding of Exonerated.**
- **Procedure Violation - The Panel agreed with the recommended finding of Exonerated.**

- **Protocol (Courtesy) - The Panel agreed with the recommended finding of Exonerated.**

#### **ADDED**

- **Procedure Violation – The Panel recommended adding and sustaining this allegation for the Respondent’s failure to activate the MVS.**

#### **Respondent #2**

- **Use of Force - The Panel agreed with the recommended finding of Unfounded.**
- **Use of Language - The Panel agreed with the recommended finding of Unfounded.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.**
- **Procedure Violation - The Panel agreed with the recommended finding of Unfounded.**
- **Procedure Violation - The Panel agreed with the recommended finding of Unfounded.**
- **Protocol (Courtesy) - The Panel agreed with the recommended finding of Non-sustained.**

#### **ADDED**

**Procedure Violation – The Panel recommended adding and sustaining this allegation for the Respondent’s failure to activate the MVS.**

#### **Respondent #3**

- **Use of Force - The Panel agreed with the recommended finding of Non-sustained**
- **Use of Language - The Panel agreed with the recommended finding of Non-sustained.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.**
- **Procedure Violation - The Panel agreed with the recommended finding of Sustained.**
- **Procedure Violation - The Panel agreed with the recommended finding of Unfounded.**
- **Protocol (Courtesy) - The Panel agreed with the recommended finding of Non-sustained.**
- **Procedure Violation (MVS - The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** The Panel agreed with the recommendations in this investigation, as shown above. However, the Panel noted that Respondent #3 was the only officer charged with a violation related to a failure to activate the MVS. While there is a Prince George’s County Police Video Request form and an email to document that Respondent #2 did not activate his MVS, there is no corresponding documentation regarding Respondents #1’s and #2’s compliance or duty to activate.

It should also be noted that the investigator specifically questioned Respondent #3 about his failure to activate his MVS. However, Respondents #1 and #2 were not questioned about the status of their MVS.

Did they not have the same duty to activate as Respondent #3? If not, why? There was no justification or documentation in the case file to support that Respondents #1 and #2 activated their MVS or were not required to do so. Unless otherwise provided, the Panel recommended adding sustained Procedural Violations (MVS) for Respondent #1 and #2.

#### **#7**

During his arrest, the Involved Citizen allegedly sustaining a broken nose. The WAVE unit was conducting surveillance of an unoccupied vehicle when the Complainant got into the driver's seat of the vehicle, then fled the vehicle on foot. He was pursued. When the Respondent grabbed the Complainant, the Complainant struck him. The Respondent responded by striking the Complainant in the face with a closed fist. The Respondents grabbed the Complainant around the waist and Respondent #1 performed a sternum strike. Respondents #1 and #3 assisted in restraining the Complainant and arresting him. After the arrest, multiple officers noticed blood coming from his nose and he was transported to the hospital and treated for a fractured nose.

#### **Respondent #1**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #2**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #3**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #4**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #5**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

#### **Respondent #6**

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**

**COMMENTS:** The Panel agreed with the recommended finding in this investigation. While the Panel's consensus was that use of force was appropriate under the circumstances, the Panel questioned whether the amount and type of force used were necessary to stop this attack and facilitate this arrest. Of specific concern to the Panel was the use of closed fist strikes to the face.

The Panel had previously expressed concerns regarding the frequency at which closed fist strikes or punches to the face are used in attempts to control a non-compliant subject. The CCOP had concerns regarding the appropriateness of their use and the frequency at which they result in facial fractures. The CCOP recommended that objectively the Department re-evaluate its use of force policy and training to determine:



- 1.If the use of closed fist strikes or punches to the face is appropriately allowed under the Use of Force policy.
- 2.If the use of this type of force should be reserved for specific situations.
- 3.If there are other tactics that officers can use that will reduce the chance of broken facial, nose and/or orbital bones?

## #8

The Complainant alleged that while exiting a church parking lot he was stopped by the Respondent, who was directing traffic. The Respondent and Complainant became involved in an argument. The Complainant alleged that, when the Respondent reached into his vehicle and attempted to remove the Complainant's keys from the ignition, he broke the key.

- **Extra Duty Employment Violation– The Panel agreed with the recommended finding of Sustained.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedure Violation (MVS Required) The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** The CCOP agreed with the IAD recommendations in this investigation. However, the Panel noted a comment and a request. The Panel had recently reviewed a growing number of investigations where there was no MVS or Bodycam evidence in incidences where protocol and/or policies clearly dictated or warrant their use. In most of these instances, no justification was provided for the absence of this evidence. This evidence could prove critical to a thorough review and analysis of these investigations. The Panel requested a briefing on the policies and procedures governing MVS and bodycams.

## #9

Respondents #1 and #2 allegedly fractured the Involved Citizen's nose while responding to a domestic dispute. The Involved Citizen was intoxicated, causing a disturbance inside a Civilian Witness's home, and was refusing to leave. When Respondent #1 arrived, the Complainant became irate, started yelling, and approached Respondent #1 in a fighting stance. The Complainant allegedly attacked the Respondent and a fight ensued. Respondent #1 attempted to arrest the Complainant and gave him orders to comply. The Complainant allegedly refused to comply and continued to resist and assault Respondent #1. Respondent #1 stated that when he delivered an open-palm strike to create distance, the Complainant continued to resist and struck Respondent #1 several more times. In response, Respondent #2 delivered a series of closed-fist strikes to the Complainant's face. When Respondent #1 observed scratches on the Complainant's face, a black eye and blood coming from his nose, he transported the Complainant to the hospital for treatment. A CAT scan revealed that the Complainant suffered a broken nose.

### Respondent #1

- **Use of Force - The Panel disagreed with the recommended finding of Exonerated. The Panel recommended that the allegation be changed to Excessive Use of Force and recommended a finding of Sustained.**

### Respondent #2

- **Use of Force - The Panel agreed with the recommended finding of Unfounded.**

**COMMENTS:** When Respondent #2 responded to the incident, he observed Respondent #1 and the Complainant in a struggle. He assisted Respondent #2 to place the Complainant under arrest. Respondent #1 stated he also observed blood coming from the Complainant's nose but was not aware he had a broken nose. The Panel agreed with the recommendation to Unfound for the Use of Force allegation for Respondent #1. However, while the CCOP agreed that a use of force was necessary to gain the Complainant's compliance, the Panel found the level of force used by Respondent #1 to be excessive. Respondent #1 delivered what he characterized as a "series" of closed-fist strikes to the Complainant's. The Panel found that the "multiple and successive" closed-fist punches to the Complainant's face were unnecessary and more than what was reasonable to affect a lawful arrest, under the circumstances. The Panel was concerned that this type of force often leads to facial injuries and was not the most effective way to secure the Complainant's arrest. Therefore, the Panel recommended that the Use of Force allegation be reclassified as Excessive Use of Force and closed with a finding of Sustained.

The CCOP also requested a copy of the Department's policy regarding Use of Force. The Panel also requested a briefing on Use of Force training as it relates to determining which levels of force are justified in particular situations.

## **#10**

While on patrol, Respondent #1 observed the Involved Person attempting to forcibly remove a person from a vehicle. As Respondent #1 exited his vehicle to intervene, the Involved Person advanced toward him with a clinched fist. Respondent #1 gave a loud command to stop, followed by a one-second burst of pepper spray. The Involved Person attempted to flee. Respondent #1 caught up with the Involved Person, who attempted to strike Respondent #1. Respondent #1 was able to dodge the strike and used an arm take down, which caused both the Respondent and the Involved Person to go to the ground. The Involved Person got up and ran again. He was met by Respondent #2 and a Police Witness, who both gave him commands to "stop", "go to the ground", and "show his hands." The Involved Person did not comply and continued to advance toward Respondent #2 with his hands in his pants. The Involved Person had not been checked for weapons prior to this encounter. Respondent #1 grabbed the Involved Person and a struggle ensued. Respondent #2 delivered closed fist strikes to the Involved Person's face, shoulder, and neck areas. He continued to actively resist. Respondent #9 arrived and delivered two closed fist strikes to the Involved Person's shoulder as an attempt to overcome his resistance. The strikes were unsuccessful and the Involved Person continued to resist.

### **Respondent #1**

**Use of Force-** The Panel agreed with the recommended finding of Exonerated.

### **Respondent #2**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.

### **Respondent #3**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.

### **Respondent #4**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.
- **Procedure Violation-** The Panel agreed with the recommended finding of Exonerated.

### **Respondent #5**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.

**Respondent #6**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.

**Respondent #7**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.
- **Procedure Violation-** The Panel agreed with the recommended finding of Sustained.

**Respondent #8**

- **Use of Force-** The Panel agreed with the recommended finding of Exonerated.
- **Procedure Violation-** The Panel agreed with the recommended finding of Sustained.

**Respondent #9**

- **Use Force-** The Panel agreed with the recommended finding of Unfounded.

**Respondent #10**

- **Use of Force-** The Panel agreed with the recommended finding of Unfounded.
- **Procedure Violation-** The Panel agreed with the recommended finding of Exonerated.

**COMMENTS**

The Panel agreed with the recommendations in this investigation, for each allegation and respondent. The Involve Person's behavior and attempted physical assault when he encountered the initial responding officers, Respondent #1 and Respondent #2, could have resulted the officers using lethal force to stop his advances and assault. The CCOP commended these officers for their restraint and decision to use pepper spray, an armbar take down, and closed-fist strikes instead of a lethal force option to control this Involved Person. This was a potentially dangerous confrontation and, under the circumstances, Respondent #1 and Respondent #2's decision to use non-lethal force to attempt to control the Involved Citizen possibly prevented more serious injuries or even death. These officers should be recognized for their careful and restrained responses in such an erratic situation.

**#11**

An internal memorandum was sent to the Internal Affairs Division outlining concerns revealed by an audit of a District's overtime usage. The audit identified approximately 11 county overtime compensation forms submitted by five respondents where no court summons could be linked and, several procedure violations were identified.

The CCOP could not make an informed decision regarding the allegations presented in the investigation for several reasons:

1. Panel found it difficult to follow the investigation as presented.
2. Copies of key documents presented in the investigation were hard to read and difficult to understand.
3. Several of the documents that the CCOP was able read and understand seem to prove that some respondents were, in fact, in court as required.
4. The investigation presented administrative processes governing court appearances that were hard to follow. This made understanding the issues related to the alleged violations difficult.

The Panel could not sufficiently account for the Respondents' court appearances or

clearly decipher the facts in this investigation and, therefore is unable to render recommendations regarding the allegations presented. The Panel, however, did recommend a clearer standard for officers signing in for court appearances that will validate that an officer has been in court on a given date and protect the integrity of the process.

## **#12**

The Complainant stated that, after officers passed him in their cruiser and stopped, he got out of his vehicle to observe the officers. He stated that Respondent #5 grabbed him, pulled him from the vehicle, threw him against the vehicle, and choked him. Respondent #5 stated that when he observed the Complainant behaving in a suspicious manner while sitting in his vehicle, he stopped the cruise and approached the Complainant to investigate. The Complainant was allegedly irate, yelling and ejecting spittle at Respondent #5. Respondent #5 asked him to stop and when he did not, Respondent #5 said he “redirected” the Complainant toward the truck to avoid the spittle. Respondent #5 denied grabbing and choking the Complainant. The Department’s Specialized Training Unit reviewed Respondent #5’s action taken to avoid the spittle and found it was reasonable and within Departmental policies.

### **Respondent #1**

- **Procedure Violation (MVS Required Use) - The Panel disagreed with the recommended finding of Unfounded and recommended Non-Sustained.**

### **Respondent #2**

- **Procedure Violation (MVS Required Use) - The Panel disagreed with the recommended finding of Unfounded and recommended Non-Sustained.**

### **Respondent #3**

- **Procedure Violation (MVS Required Use) - The Panel disagreed with the recommended finding of Unfounded and recommended Sustained.**

### **Respondent #4**

- **Procedure Violation (MVS Required Use) - The Panel disagreed with the recommended finding of Unfounded and recommended Non-Sustained.**

### **Respondent #5**

- **Procedure Violation (MVS Required Use) - The Panel disagreed with the recommended finding of Unfounded and recommended sustained.**
- **Use of Force - The Panel agreed the recommended finding of Exonerated.**

### **Respondent #6**

- **Procedure Violation (MVS Required Use) - The Panel agreed with the recommended finding of Unfounded.**

**COMMENTS:** The GOM, Volume I, Chapter 26, Section V, subsection 2, Required Uses, outlines incidents for which audio/video recordings shall be made. The Signal 6 (Suspicious Occupied Vehicle) is included as an incident that requires use of the MVS. Respondents #4 and #3 stopped their cruiser when they observed suspicious behavior as Complainant Mays occupied his vehicle (Oliver statement, page 2. Line 1-6). However, they failed to activate the MVS in their cruiser before approaching the Complainant’s vehicle. This failure is a violation of the GOM section noted above. Therefore, the CCOP disagreed with the recommended findings of Unfounded for the Procedural Violation allegation against Respondents #4 and #5 and recommended a findings of Sustained.

Additional officers responding to the scene also failed to activate their MVS. Respondent #1 indicated that he did not do so because he was not aware that the stop was for an occupied vehicle, Respondent #2 stated he believed it was a suspicious person stop or a Signal 7, which does not require recording, and Respondent #4 did not provide a clear explanation. The investigation did not provide evidence sufficient to prove or disprove that their failure to activate their MVS was not negligence or willful violations of the GOM. Therefore, the CCOP disagreed with the recommended findings of Unfounded for the Procedural Violation (MVS Required Use) against Respondents #1, #2, and 4# and recommended a finding of Non-Sustained for each of the Respondents.

### **#13**

This incident involved actions taken during the patrol of an area near a park. The Respondent Officers received a call that someone was smoking marijuana in a parked vehicle. The officers said they saw a vehicle with suspicious tags and smelled marijuana as they approached the vehicle. When they ordered the driver and passenger to exit the vehicle, the passenger refused and also fiddled around with the console as he continued to refuse to get out of the car. In Evidence 7#, the respondent officers acknowledged that they used of low-level force techniques to get the passenger out of the vehicle.

#### **Respondent #1**

- **Allegation of Excessive Use of Force - The Panel disagreed with the Investigator's findings of Unfounded.**

#### **Respondent #2**

- **Allegation of Excessive Use of Force - The Panel disagreed with the recommended finding of Unfounded.**

#### **Respondent #3**

- **Allegation of Excessive Use of Force - The Panel disagreed with the recommended finding of Unfounded.**

**COMMENTS:** The CCOP disagreed with the Investigator's findings of Unfounded for the allegation of Excessive Use of Force against each Respondent Officer because it implies that the use of force did not occur. In fact, the Respondent Officer's statements in the Report of Investigations (ROI) document that a low level of force was used. While the CCOP found that the force used was for legitimate and lawful purposes, the Panel recommended a finding of Exonerated rather than Unfounded.

The CCOP also remained concerned about the failure of Respondent Officers to utilize their MVS equipment. Specifically, while there were several responding vehicles equipped with operational MVS, there was no video evidence presented in this investigation. Therefore, the Panel, again, strongly encouraged the Department to review its MVS use and compliance protocols.

### **#14**

Upon arrival to a theater parking lot for a reported citizen robbery, the Respondent was advised that the Involved Persons left their belongs in an Uber vehicle that drove away. The Respondent advised the Involved Persons of their options to resolve the matter. However, the Involved Persons were not satisfied with those options or the tone of the Respondent's response. They began to curse at the Respondent and a verbal exchange took place, during which the Respondent also used profanity. When the Respondent attempted to enter her cruiser to get a business card, the Involved Persons tried to block access. After the Respondent was able to gain access, Involved Person #1 spat through the window and onto the Respondent's



face. The Respondent exited the vehicle and attempted to arrest Involved Person #1 and became engaged in a fight with both Involved Persons. A Police Witness, who was working inside the theater, came to assist the Respondent. As the fight continued, the Respondent deployed her OC sprayed at Involved Person#1 and the Involved Persons were placed into custody.

- **Unbecoming Conduct- The Panel agreed with the recommended finding of Non-Sustained.**
- **Protocol (Courtesy) - The Panel agreed with the recommended finding of Sustained.**
- **Use of Language - The Panel agreed with the recommended finding of Sustained.**

#### **ADDED**

- **Use of Force – The Panel recommended adding and exonerating this allegation for the Respondent’s deployment of OC spray.**

#### **COMMENTS**

The CCOP agreed with the recommendations in this investigation, as indicated above. However, the Panel noted that the allegations presented only addressed what the Respondent said and did not address her admitted Use of Force, i.e., the deployment of her OC spray. While several witness statements, including that of the Police Witness , mentioned the OC spray and decontamination, and there is a Supervisor’s Use of Force Review listed as Evidence #8, the investigator did not ask the Respondent any questions about this use of force and does not list it as an allegation.

To fully address the Respondent’s behavior during this incident, the Panel recommended adding a Use of Force allegation for the Respondent’s deployment of her OC spray. The investigation indicated that the Respondent’s deployment of OC spray was lawful and proper, under the circumstance. The Panel recommended that this allegation be Exonerated.

#### **#15**

The Complainant alleged that the Respondent reported to this son’s school and pretended to have been dispatched there due to a fight. A search of the CAD revealed that there was no call from the school’s address at the date and time of the incident. However, there was a fight at the school involving the Respondent’s son and an alleged bully. It was the son’s girlfriend who called the Respondent to advise him of the fight. The Complainant further alleged that the Respondent demanded information on the other student involved in the fight. When the staff refused to provide this information, the Respondent threatened to arrest them. The Respondent was charged with allegations of Unbecoming Conduct and False Statement.

- **Unbecoming Conduct - The Panel agreed with the recommended finding of Sustained.**
- **Violation of the Law: False Statement - The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** While the CCOP agreed with the recommended finding in this investigation, the Panel had several questions:

Has the Department documented a pattern of false statements made by officers?  
What is the Department’s policy if a respondent has sustained False Statement charges?  
What happens if an officer has a pattern of making false statements?  
What is the scheduled discipline for the sustained allegations in this case, in particular, and sustained false statements, in general?

## #16

The Complainant alleged that he was stopped by the Respondent #1 and #2 as he was walking in front of his home but was never informed why. He stated that as he was being stopped, his hands were forced behind his back, he was thrown against a wall, and was forced to the ground by Respondent #1. Respondent #1 stated that the Complainant was stopped because he matched the description of an armed carjacking suspect they were attempting to locate. The Respondents were investigated for their actions related to detaining and physically restraining the Complainant.

### Respondent #1

- **Use of Force (Unnecessary) - The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedural Violation (Stop and Frisk) - The Panel agreed with the recommended finding of Sustained.**

### ADDED

- **Misrepresentation of Facts– The Panel recommended adding an allegation of Misrepresentation of Facts and a findings of Sustained.**
- **Procedural Violation (Use of Force Reporting) – The Panel recommended adding an allegation of Procedural Violation and a findings of Sustained.**

### Respondent #2

- **Use of Force (Unnecessary) - The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedural Violation (Stop and Frisk) - The Panel agreed with the recommended finding of Sustained.**
- **ADD**
- **Procedural Violation (Use of Force Reporting) – The Panel recommended adding an allegation of Procedural Violation and a finding of Sustained.**

**COMMENTS:** The Panel agreed with the recommended findings for the allegations as presented for both Respondents. However, the Panel also recommended adding additional allegations as noted below.

The Respondent #1 stated that another police department already had the Complainant against a wall with his hand twisted behind his back when he arrived. Respondent #1 stated that he then made the decision to place the Complainant in handcuffs. However, the statement of Respondent #2, who reported to assist Respondent #1, contradicted this assertion. Respondent #2 stated that when they arrived, they witnessed Respondent #1 stop and detain the Complainant. Respondent #1 also stated that when the Complainant refused to sit on the ground as ordered by Respondent #1, “we sat him on the ground”. The Complainant stated that it was Respondent #1 who detained, handcuffed, and placed the Complainant on the ground, with the assistance of Respondent #2. The Panel found that this is sufficient evidence to prove that Respondent #2 misrepresented his involvement in stopping, detaining and taking the Complainant to the ground.

General Order Manual, Volume II, Chapter 58, Section V, Subsection 4, Reporting the Use of Force states, “*Any officer, who uses force, including the discharge of oleoresin capsicum (OC) Spray, shall immediately notify a Supervisor.*” The investigation clearly established that Respondent #1 and #2 used force to detain the Complainant. The Respondents’ statements confirm their use of force. However, the Respondents failed to report this Use of

Force report to a supervisor as required. Therefore, the Panel recommended adding an allegation of Procedural Violation and a finding of Sustained for both respondents.

## **#17**

During a proactive patrol of an area, officers observed a suspicious vehicle involved in selling controlled dangerous substance and conducted a stop of the vehicle. Officers stopped multiple individuals who had been gathered around the vehicle. The individuals began to walk away as officers approached, despite being instructed to remain. The Involved Citizen refused to stop and a struggle ensued. Respondents 1, #2, and #3 were not wearing Body Worn Cameras and failed to activate the MVS in their cruiser.

### **Respondent #1**

- **Use of Force – The Panel agreed with the recommended finding of Exonerated.**
- **ADDED**
- **Procedural Violation (MVS Required)- The CCOP recommended adding and sustaining**
- **this allegation for Respondent Green’s failure to activate his vehicle’s MVS.**

### **Respondent #2**

- **Use of Force – The Panel agreed with the recommended finding of Exonerated.**

### **ADDED**

- **Procedural Violation (MVS Required)- The CCOP recommended adding and sustaining this allegation for the Respondent’s failure to activate his vehicle’s MVS.**

### **Respondent #3**

- **Use of Force – The Panel agreed with the recommended finding of Exonerated.**
- **Procedural Violation (MVS Required)- The CCOP recommended adding and sustaining this allegation for the Respondent’s failure to capture the incident on his vehicle’s MVS.**

**COMMENTS:** As this incident involved a suspicious occupied vehicle engaged in selling controlled dangerous substance, activation of the MVS was required. GOM, Volume I, Chapter 26, Section IV, subsection 2, Required Uses states, Audio/video recordings shall be made during all: Vehicle stops, Vehicle pursuits, Police operations necessitating a priority response, Prisoner transports, and Signal 6 Stops (suspicious occupied vehicles). Respondents #1 and #2 acknowledged that they did not turn on their MVS, as required by this subsection. Respondent #1 acknowledged that his MVS did not record the incident because he was parked in the opposite direction, and the incident happened behind his cruiser. This investigation produced evidence sufficient to prove that Respondents #1 and #2 did not capture MVS recordings of the incident because they failed to activate their MVS and Respondent #3 failed to park his vehicle in a position to enable MVS recording. Accordingly, the CCOP recommended adding allegations of Procedural Violation with a recommended finding of sustained for each of the above listed respondents.

## **#18**

The Involved Citizen alleged that during a traffic incident, the Respondent used profanity and later followed her home. The Respondent stated that when she observed a traffic infraction committed by the Involved Citizen, she instructed the Involved Citizen to pull over and the Involved Citizen did not comply. The Involved Citizen stated that she decided not to pull over because she felt unsafe and she continued to drive to her mother’s home. As the Respondent

pursued the Involved Citizen, an Acting Captain was monitoring the radio call and advised the communication dispatcher to inform the Respondent to cancel their action. The Acting Captain repeated this order. However, the order was not acknowledged by the Respondent, and the Acting Captain was unsure if the Respondent heard the order. Once on the scene, the Respondent was approached by the Involved Citizen's mother, who alleged that the Respondent used profanity and made threats.

- **Insubordination - The Panel agreed recommended finding of Non-Sustained.**
- **Use of Language - The Panel agreed recommended finding of Non-Sustained.**
- **Use of Language - The Panel agreed recommended finding of Unfounded.**

#### **ADDED**

- **Procedure Violation (Pursuit) – The Panel recommended adding and sustaining this allegation for violations related to the Respondent's vehicle pursuit .**
- **Procedure Violation (Required MVS Use) – The Panel recommended adding and sustaining this allegation for the Respondent's failure to activate the MVS in her cruiser.**

**COMMENTS:** While the CCOP agreed with recommendations for the allegations as presented, the Panel also recommended additional allegations. The General Order Manual, Volume II, Chapter 48, Section I, Pursuits Within/Outside the County states, *officers may only engage in vehicle pursuits in the County, and neighboring jurisdictions outside of the County, if there is reason to believe that the fleeing suspect is committing, has committed, or attempted to commit any of the following: Homicide, Contact Shooting, Armed Robbery, or Armed Carjacking.* It further states that, *a vehicle pursuit may only be continued inside or outside of the County once permission has been granted by a commissioned officer.* This incident was not related to either of the subject crimes listed above. Additionally, the investigator determined that the Respondent did not receive the necessary approval to follow the Involved Citizen. There is sufficient evidence to prove that the Respondent violated the GOM provisions cited above. Therefore, the Panel recommended adding and sustaining a Procedural Violation (Pursuit) allegation.

The General Order Manual, Volume I, Chapter 26, Mobile Vehicle System (MVS), Section V, subsection 2, Required Uses states that *audio/video recordings shall be made during all vehicle stops and vehicle pursuits.* It further requires that *the MVS shall record until the vehicle stop or pursuit is completed, and the subject vehicle departs or the officer's participation in the incident ends.* Per the GOM, this incident required use of the MVS. However, MVS evidence was not presented in the investigation. Neither the investigator nor the Respondent's statement addressed the Respondent's failure to obtain the required MVS recording. Therefore, the CCOP recommended adding and sustaining a Procedure Violation (Required MVS Use) allegation.

#### **#19**

When the Complainant's car passed a stationary license plate reader, the reader recorded that the vehicle had been reported stolen. A Police Witness received an alert and confirmed that the vehicle was reported stolen. A municipal Police Officer observed the Complainant approach an intersection and initiated a traffic stop. The Complainant was placed in handcuffs. The Respondent observed the stop from a stationary position and walked over to assist. The handcuffs were later removed when it was determined that the Complainant was the owner of the vehicle. The Complainant had reported the car stolen. However, it was later recovered but was still in the system as stolen. The Complainant allege that when the Respondent participated in the traffic stop, he used profanity and failed to write a report.

The Respondent stated that the Complainant's children were in her vehicle and appeared upset. He walked over and attempted to calm them. When he did, the Complainant yelled at the Respondent, saying that she did not want him questioning her children. Respondent Baynes stated that he was not questioning the children and that he had no direct contact with the Complainant.

- **Use of Language - The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedure Violation (Reports and Records) - The Panel agreed with the recommended finding of Unfounded.**

**COMMENTS:** The Complainant alleged that the Respondent told her to “shut the fuck up” and dumped the contents of her purse on the ground. None of the witness officers on the scene observed any officer dumping the contents of the Complainant's purse, nor did they hear any officer make the alleged remark. The investigator stated that the Respondents did not write a report because he was not the officer who initiated the traffic stop and was not required to do so.

The CCOP agreed with the recommendations in this investigation. However, we have several questions regarding the use of MVS and bodycams:

1. Since this was a traffic stop, should the Prince George Police officers on the scene have turned on their MVS when they responded to assist?
2. Did the municipal officers on the scene have bodycams?
3. Were the Prince George County Police officers on the scene equipped with bodycams and were they required to activate them?
4. Out of six Prince George's and Forest Height's officers on the scene, were none required to have and activate a body camera?
5. Please explain why page five of the ROI stating that there was no contact between Complainant and Respondent, is inconsistent with Respondent's own statement that suggests that there was in fact contact between the two.

CCOP also noted that MVS or bodycam evidence would have been extremely useful in the Panel's review of the subject investigation.

## **#20**

The Complainant alleged that the Respondents slammed him to the ground and aggravated a previous injury. Respondent #2 was dispatched to the scene of a family dispute between the Complainant and a witness. Respondent #1 arrived at the scene to assist. Respondent #2 repeatedly attempted to place himself between the witness and the Complainant. The Complainant refused to comply with multiple orders to back away from the Witness. When the Complainant advanced toward the Witness with his fist balled up, Respondent #1 stepped in front of him and used an arm bar take down to place the Complainant on the ground. Respondent #2 assisted Respondent #1 to put the Complainant in handcuffs. The Complainant was transported to the hospital and released.

### **Respondent #1**

**Use of Force- The Panel agreed with the recommended finding of Exonerated.**

### **Respondent #2**

**Use of Force- The Panel agreed with the recommended finding of Exonerated.**

**COMMENTS:** The investigation indicated that the act of taking the Complainant to the ground to affect an arrest did occur, but was justified, lawful and proper. The investigator recommended that the Use of Force allegations for both Respondents be exonerated. The Panel agreed with this recommendation.

The Panel noted that the investigative file did not include video or audio evidence from an MVS and/or BWC for officers who responded to the scene. It also did not include an explanation for the absence of this evidence.

The Panel requested that for future investigations, the file includes information regarding MVS and BWC evidence for all officers responding to a scene. This should include: (1) if the officers and/or their vehicles were equipped with MVS or BWC; (2) if they were required to activate this equipment when they responded; (3) if the equipment was activated as required; and (4) if the equipment was operational at the time of the incident.

## **#21**

Respondents #1 and #2 were on patrol when they observed the Complainant and Involved Citizen sitting in a parked car with the engine running. The Respondents stated that they approached the vehicle to do a welfare check. As Respondent #2 spoke to the Involved Citizen from the passenger side of the vehicle, the Involved Citizen made a furtive movement by reaching down and underneath the seat. Respondent #2 asked the Involved Citizen to exit the vehicle. Respondent 2 conducted a pat down and then searched the vehicle area where the Involved Citizen was sitting. When he completed his search, Respondent #2 said, "have a good day." Respondent #1 stated he misunderstood and thought Respondent #2 said "Signal 7A", indicating that a weapon was found. Respondent #1 immediately placed the Involved Citizen in handcuffs. However, the Complainant alleged that Respondent #1 slammed the Involved Citizen on to the hood of the Complainant's vehicle as he handcuffed him. Upon realizing he misunderstood Respondent #2, Respondent #1 immediately released the Involved Citizen. The Respondent did not receive the Complainant's permission to search her vehicle. The Respondent also failed to submit the required reports for this incident in the manner prescribed by the General Order Manual.

### **Respondent #1**

- **Use of Force – The Panel agreed with the recommended finding of Non-Sustained.**
- **Procedural Violation (Report and Records Preparation and Review)- The Panel disagreed with the recommended finding of Exonerated and recommended Sustained.**
- **Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**  
**Procedural Violation (MVS Required Use) - The Panel agreed with the recommended finding of Sustained.**

### **Respondent #2**

- **Procedural Violation (Radio Procedures) - The Panel agreed the recommended finding of Sustained.**
- **Attention to Duty - The Panel agreed with the recommended finding of Non-Sustained and recommended Sustained.**

### **ADDED**

- **The Panel also recommended adding an allegation of Procedural Violation (Stop and Frisk Report) with a recommended finding of sustained based on Respondent**



**#2's failure to submit a Field Interview Record for his pat down of the Involved Citizen.**

- **The Panel also recommended adding an allegation of Attention to Duty with a recommended finding of sustained based on Respondent #2's failure to obtain the Complainant's permission to search her vehicle.**

**COMMENTS:** The CCOP was unclear regarding the basis for the investigator's recommendation to non-sustain this allegation, as the summary does not provide a justification. However, a review of the investigative file indicated that the Respondent failed to enter his record for this incident in the timeframe required by the GOM. This incident happened on October 14th, and the record was not entered until November 30.

The investigation also provided evidence sufficient to prove that Respondent #2 frisked the Involved Citizen and failed to submit a Field Interview Record regarding the frisk. The General Order Manual, Volume 2, Chapter 29, Section IV, subsection 3, Stop and Fisk (Terry Stop) states, "When an officer conducts a pat down or a frisk for a weapon, regardless of whether an arrest is made, the officer shall submit a Field Interview Record prior to the end of the shift." The investigative file does not include or mention such a report being completed by the Respondent #1, as required. Accordingly, the CCOP recommended adding an allegation of Procedural Violation with a recommended finding of sustained.

The investigation clearly established that the Complainant was the owner and driver of the vehicle searched by Respondent #2. Respondent #2 admits to conducting a search of the Complainant's vehicle without her expressed or implied permission. The investigation provided evidence sufficient to prove that the Respondent failed to get the Complainant's permission to search her vehicle. Accordingly, the CCOP recommended adding an allegation of Attention to Duty with a recommended finding of sustained.

## **#22**

Respondent #1 allegedly made the comment, "back in the day he would have beat the shit out of her.". However, MVS evidence proved that Respondent #1 did not make the alleged comment, The recording revealed that during a conversation with the Complainant's passenger, Respondent actually said, "that he came from the 80s and 90s when the police would beat the snot out of you."

### **Respondent #1**

- **Use of Language - The Panel agreed with the recommended finding of Unfounded.**
- **Unbecoming Conduct- The Panel Disagreed with the recommended finding of Sustained and recommended Unfounded.**
- **Procedure Violation (MVS) - The Panel agreed with the recommended finding of Sustained.**
- **Procedure Violation (BWC) - The Panel agreed with the recommended finding of Sustained.**

### **Respondent #2**

- **Procedure Violation (MVS) - The Panel agreed with the recommended finding of Sustained.**
- **Procedure Violation (Radio Procedure) - The Panel agreed with the recommended finding of Sustained.**

### **Respondent #3**

- **Procedure Violation (Radio Procedure) - The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** The Panel agreed with the allegations for Respondents, as indicated above. However, the Panel disagreed with the sustained finding for Allegation #2 – Unbecoming for Respondent #1 and recommended that the allegation be unfounded.

It was determined that the Respondent was referencing to his experience with the police while growing up in Prince George’s County and that the comment was not directed at the Complainant. The Complainant did not cooperate with this investigation and the investigator was unable to obtain additional information. The investigator recommended that the Use of Language allegation be unfounded and handled in the form of a training memo.

The Unbecoming Conduct allegation addresses the comment as it was actually made by Respondent #1 and the investigator recommended that this allegation be Sustained. The Panel understood that the Unbecoming Conduct allegation addressed this comment as a different category of misconduct. However, the Panel found that the same evidence and rational used to unfound the Use of Language allegation should also apply to the disposition of the Unbecoming Conduct allegation. Therefore, the Panel recommended that this allegation also be unfounded and handled in the form of a training memo.

### **#23**

The Complainant alleged that the Respondent was his supervisor and, that he created a hostile work environment and denied him leave without justification. He also alleged that the Respondent behaved in an unbecoming manner and used profanity when addressing him.

- **Use of Language- The Panel agreed with the recommended finding of Non-Sustained.**
- **Protocol (Attention to Duty) - The Panel agreed with the recommended finding of Non-Sustained.**
- **Unbecoming Conduct- The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** The Panel agreed with the investigator’s recommendations in this investigation, as outlined above. However, there are several aspects of this incident that the Panel found troubling. First, of particular concern to the Panel was the egregious and inappropriate comment the Respondent allegedly made during his meeting with the Complainant and an a superior officer.

The investigation revealed that this was not the first time the Respondent had made this statement. A Police Officer Witness stated that he heard the Respondent make the statement several times in the past. Secondly, the superior officer indicated that the Respondent had other negative interactions with commanders and supervisors at the station. He recalled a particular incident involving the Respondent. He characterized the Respondent’s behavior as over-stepping his boundaries and micro-managing people on other shifts. The Panel inquired if the Respondent was still employed with the Department. Is so, what discipline would be administered if the Unbecoming Conduct allegation related to the statement made by the Respondent was sustained?

### **#24**

The complaint alleged that the Respondent engaged in a body of conduct that was biased, aggressive, and abusive when dealing with subordinates. The Complainant Officer

stated that the Respondent referred to him in a using derogatory terms; made disparaging remarks about a supervisor previously under his command; used a method of direct confrontation with white supervisors that he did not use with black supervisors; and transferred the Complainant from his shift command to a less prestigious position, without merit.

- **Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**

**COMMENTS:** The investigation did not produce evidence sufficient to prove or disprove the Unbecoming Conduct allegation and the investigator recommended that the allegation be non-sustained. While the Panel agreed with this recommendation, the CCOP's review of statements made by witness officers indicated areas that should be addressed. Specifically, there was the perception that the Respondent is aggressive with subordinates; does not look white officers in the eyes when speaking to them; is rude and dismissive; and has difficulty communicating effectively. Some examples of the Panel's observations were in statements made by Witness Officers regarding performance ratings; the Respondent's demeanor; and the Respondent's communication style. Therefore, the Panel recommended that the Respondent receive key supervisory training or retraining to help address these concerns. The Panel also recommended the Respondent receive refresher training on implicit biases.

## #25

It was alleged that the Respondent gained access to the Police Officer Witness's office, without permission and used his laptop computer, also without permission. The door to the office was locked at the time the Respondent entered.

The Police Officer Witness discovered that his assigned laptop was missing from his office. He searched for his laptop in the station and was unable to located it. He was advised by IT Services that the Respondent was the last person to log on to the laptop. He contacted the Respondent, who told him where the laptop was located.

The Respondent stated that he needed a laptop for work purposes during his shift, located the key to the office, and retrieved the laptop. The Respondent indicated that he thought the laptop belonged to the person who was previously assigned the office and that he thinks he got the key from the janitor's closet. There were no witnesses to the incident.

- **Unbecoming Conduct - The Panel disagreed with the recommended finding of Non-Sustained.**

**COMMENTS:** The investigator stated that the investigation, "failed to discover sufficient evidence to establish a preponderance of guilt." In the Report of Investigation summary, the investigator stated, "the Respondent retrieved the laptop to do work related duties and did not do anything malicious when he took Police Witness Harley's laptop." The CCOP was unclear what specific guilt the investigator was assessing or what role the Respondent's intent played in that assessment. However, the investigation did provide a preponderance of evidence sufficient to prove that the Respondent obtained a key by a method he does not recall, to unlock an office that was not assigned to him to retrieve a computer, also not assigned to him, without implied or explicit permission or authority to do so.

While the Panel agreed that his motives for using the laptop may not have been malicious, the method by which he obtained access to the laptop was a breach of privacy, an intrusion, and a possible violation of IT policy. Unless the laptop was assigned for use by any officer or made accessible to the Respondent by expressed permission, the Respondent should not have obtained it or used it. The Respondent behaved in an unbecoming manner when he

obtained unauthorized access to a locked office and removed computer equipment without the permission of the occupant or a supervisor. Therefore, the CCOP disagreed with non-sustained and recommended that the Unbecoming Conduct allegation be sustained.

## #26

The States Attorney from a surrounding county received a tip from the National Center for Missing and Exploited Children that the Respondent Officer as identified as the subject of an investigation involving child pornography. The Respondent was served with a search warrant and his computers were confiscated. The Respondent Officer was informed that his IP address was pinged as uploading a child pornography image. When asked about the uploaded image of a child, the Respondent Officer stated he received the image in a spammed email of adults and children. When asked if he had uploaded any pornography to his computer, he stated he did not recall. The Respondent Officer did admit to viewing what the investigator characterized as “barely legal” and other pornography on his phone. The States Attorney did not charge the Respondent with anything related to this behavior.

- **Allegation of Unbecoming Conduct - The Panel agrees with the Investigator’s finding of Sustained.**
- **Allegation of Ethics - The Panel agrees with the Investigator’s finding of Sustained.**

**COMMENTS:** The allegations against the Respondent are sexual charges related to children, which calls into question the Respondent’s character. The CCOP strongly believed that this behavior should not be tolerated by the Department and given the nature of the allegations and evidence in this case, was concerned that the Respondent may still be employed by the Prince George’s County Police Department. Accordingly, the Panel requested a written response detailing whether the respondent has been allowed to remain on the force and, if so, an explanation of the decision to retain him as an officer.

## #27

Upon approaching a subject, the Respondent observed what he believed to be a handgun being held by the subject. The Respondent drew his weapon and gave the subject lawful commands to drop the weapon and show his hands."

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Protocol - The Panel agreed with the recommended finding of Non-Sustained.**

**COMMENTS:** The CCOP took note of inaccurate facts contained in the Supervisor's Use of Force Review Report. The CCOP noted that the report signed by the supervisor was inconsistent with Evidence of Record. Specifically, an officer stated in his interview that he asked the Respondent if he drew his weapon and the Respondent stated that he did not. The Respondent was also interviewed, but he was never asked by the investigator if he had drawn a weapon. Overall, the CCOP found it concerning that language in a Use of Force reports a citizen's use of a weapon that did not in fact happen. The CCOP recommended that the report be corrected accordingly.

## #28

It was discovered that the Respondent identified himself as a POFC and fraudulently wore POFC stripes on his uniform. After he had taken the corporal tests four times and failed, a supervisor became concerned. This supervisor investigated and determined that the Respondent was not a POFC and he questioned the Respondent.

- False Statement – The Panel agreed with the recommended finding of Sustained.
- False Statement – The Panel agreed with the recommended finding of Sustained.
- False Statement – The Panel agreed with the recommended finding of Sustained.
- False Statement – The Panel agreed with the recommended finding of Sustained.
- Integrity - The Panel agreed with the recommended finding of Sustained.

**COMMENTS:** While the CCOP agreed with the recommended findings in this investigation, the Panel had significant concerns regarding the integrity and lack of credibility of this officer. When asked directly by the supervisor about his current rank, the Respondent continued to claim he was a POFC. However, the supervisor informed him that he knew the Respondent had not passed the POFC test. It was also discovered that the Respondent had submitted a fraudulent claim for a lost badge to obtain and used a POFC badge.

These are clearly egregious acts and the CCOP believed that they are disqualifying and call into question the Respondent's integrity. This Respondent made false statements to achieve a rank that he had not earned and displayed stripes dishonestly in the public each day in order to impersonate an officer of a higher rank. As a result, the Respondent's credibility as a police officer is clearly compromised. Given the nature of the violations in case, the CCOP requested an update as to whether the Respondent is still on the force and, if so, does the Department intend to keep him on the force?

## #29

This investigation involved the Respondent's post on a social media site that were investigated as cyberbullying. Specifically, it was alleged that Respondent posted inappropriate photos and made statements using his authority to intimidate, be vindictive and promote unnecessary use of force, which is in violation of the Department's Social Media Policy.

- **Allegation of Procedure Violation (Social Media) - The Panel disagreed with the recommended finding of Unfounded**
- **Allegation of Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.**

**COMMENTS:** The Investigator acknowledged that the exchange in question occurred but determined that the Respondent's posts in the exchange did not "appear" to contain any inappropriate comments or threats. As a result, the Investigator concluded that there was insufficient evidence to prove that the Respondent was in violation of this policy and recommended that the allegation be Unfounded.

An Unfounded finding, by definition, would indicate that the incident under review did not occur. In this instance, however, there is sufficient evidence in the case file to prove that the Respondent did, in fact, engage in a multiple-screen heated posting exchange. In addition, the file contained a lengthy PDF of screen shots documenting the exchange and its intensity. While the motive for the Respondent's comments could not be conclusively proven, the CCOP found sufficient evidence to document that the posting exchange **occurred** and, also concluded that Respondent's motives and content of the comments were questionable. Accordingly, the CCOP disagreed with the Investigator's findings of Unfounded and recommended that the *Procedural Violation Social Media* be Non-Sustained.

## #30

The Complainant alleged that her son, the Involved Citizen, was kicked and punched by the respondents after a foot pursuit. The Involved Citizen fled the scene of an accident and the responding officers gave chase. The Respondent Officers acknowledged that a foot pursuit

occurred and, that force was used to gain control of the Involved Citizen. They also stated that the Involved Citizen would not comply and was aggressively throwing punching. The Respondent Officers further stated that a low level of force was used to gain compliance but denied kicking and punching the Involved Citizen.

- **Use of Force - The Panel agreed with the recommended finding of Exonerated.**
- **Use of Force - The Panel disagreed with the recommended finding of Unfounded.**

**COMMENTS:** When the Investigator contacted the Complainant to get a statement for the investigation, she advised that she did not witness the incident. She had filed the complaint on behalf of her son. Several unsuccessful attempts were made to contact the Involved Citizen to obtain a statement.

The Investigator recommended that the Use of Force allegation against Respondent #1 be exonerated and the Use of Force allegation against Respondent #2 be unfounded. The Respondents were charged with the same allegation, for the exact same alleged use of force. However, there was no evidence presented in the case that would explain the different dispositions recommended for these respondents. The CCOP agreed that the Use of Force allegation should be exonerated for Respondent #2. However, the Panel disagreed with the unfounded recommendation for Respondent #1 and recommended that this allegation be exonerated, as well. The CCOP also requested a written response detailing the basis for the Investigator recommendation of different dispositions for these two respondents.

### **#31**

The Involved Citizen #1 stated that he yelled for the Respondent to slow down as he drove at a high speed on a residential street. The Respondent allegedly stopped his car, got out, and engaged the Involved Citizen. He allegedly displayed a badge, stated he was on an emergency call/operation, and yelled profanities at the citizen. Later another citizen, Involved Citizen #2 also observed the Respondent driving at a high speed and motioned for the Respondent to slow down. Involved Citizen #2 alleged that the Respondent stopped to confront him, as well.

- **Unbecoming Conduct- The Panel agreed with the recommended finding of Sustained.**
- **Use of Language - The Panel disagreed with the recommended finding of Sustained.**
- **Unbecoming Conduct- The Panel disagreed with the recommended finding of Sustained.**
- **Use of Language - The Panel disagreed with the recommended finding of Sustained.**
- **Unbecoming Conduct- The Panel agreed with the recommended finding of Sustained.**
- **Use of Language - The Panel agreed with the recommended finding of Sustained.**

**COMMENTS:** Police Officer Witness #1 was flagged down by a citizen, who advised him of the speeding incident. This witness obtained details about the incident and broadcast a lookout for the vehicle driven by the Respondent. The Respondent's vehicle was spotted a short time later exiting the parking lot of a local restaurant. Police Officer Witness #2 initiated a traffic stop and during the stop Respondent Ware became agitated and used profanity.

The Respondent stated that he saw a citizen yelling and cursing at him as he drove by. He admitted to exiting his vehicle, displaying his badge, and speaking to the citizen. However,



he did not recall using profanity and stated he only remembered being involved in a dispute with one citizen. He admitted to using profanity when addressing Police Officer Witness #2 and stated that he was not courteous or professional in his interaction with the citizen he engaged.

The Panel agreed with the recommendations to sustain allegations #1, #5, and #6. However, the Panel disagreed with the recommendations to sustain allegations #2, #3, and #4. For Allegation #2 - Use of Language, the Respondent admitted to not being courteous and professional during his interaction with Involved Citizen #1. However, he did not recall or admit to using profanity. There were no witnesses to this conversation and the investigation did not present a preponderance of the evidence sufficient to prove or disprove that the Respondent used the alleged profanity. Therefore, the CCOP recommended that the allegation be Non-Sustained.

For Allegation #3 - Unbecoming Conduct and Allegation #4 - Use of Language, both allegations involved alleged interactions with Involved Citizen #2. However, the Respondent did not remember or admit to this interaction. There were no witnesses to this interaction and the investigation did not present a preponderance of the evidence sufficient to prove or disprove that the Respondent engaged Involved Citizen #2 or used profanity, as alleged. Therefore, the CCOP recommended that the Allegation #3 and Allegation #4 be Non-Sustained

### #32

The Complainant alleged that the Respondent engaged in an unauthorized pursuit that ended in a serious accident involving a citizen. In his investigation statement, the Respondent stated that, while patrolling on intersection, he observed a vehicle cut in front of another car. Respondent further stated that he made a U-turn and attempted to make a traffic stop when the driver made a right turn and refused to stop. The Respondent also stated that he tried to read the license plate but was only able to get partial information. He then advised dispatch, "I got one refusing to stop." The Respondent also stated that, from his training, the vehicle "looked dirty" and suspicious and he, therefore, initiated pursuit.

- **Procedural Violation (Unauthorized Pursuit) – The Panel disagreed with the recommended finding of Exonerated and recommended Sustained.**

**COMMENTS:** A Police Officer Witness stated that when he became aware of the pursuit, he inquired about the nature of the pursuit. He was advised that it was traffic incident, that full tag information could not be obtained, and that the vehicle would not stop. Officer Witness ordered the Respondent to 10-22 the pursuit. He indicated that the Respondent replied that "he copied." After confirming that tag information was not obtainable, Officer Thompson asked the Respondent a second time to 10-22 the pursuit. A short time later the subject vehicle wrecked.

The Investigator concluded that there was sufficient evidence to prove that the pursuit did occur but was within Departmental guidelines or Departmental training and recommended that the allegation for Unauthorized Pursuit be Exonerated. The Panel disagreed.

Respondent Darby did not stop the pursuit when initially ordered to do so. He stated the order came too late for him to stop, as the accident had already happened. However, evidence in the Investigative Report indicates that the Respondent was ordered to terminate the pursuit twice and that there was sufficient time for the Respondent to have terminated. This pursuit was, therefore, unauthorized and subsequently resulted in an accident that sent a citizen to the hospital.

Additionally, the CCOP found that the pursuit should never have occurred. None of the categories and/or provisions outlined in the GOM are provide sufficient authorization for the Respondent to conduct a pursuit of Complainant's vehicle as set forth in the Investigative

Report. Therefore, the CCOP recommended that the Procedural Violation (Unauthorized Pursuit) by Sustained.

### **#33**

The Complainants alleged that the Respondents used force and inappropriate language at the scene of a traffic stop. The Complainant was stopped for displaying a tag that had an MVA pick-up order for insurance violation. When Respondent #1 approached the vehicle, he made contact with Complainant #1, who became verbally combative. The Complainants also alleged that the Respondents were abusive, condescending and used inappropriate language during the stop.

#### **Respondent #1**

- Use of Force - The Panel agreed with the recommended finding of Unfounded.
- Use of Language - The Panel agreed with the recommended finding of Unfounded.
- Unbecoming Conduct - The Panel agreed with the recommended finding of Non-Sustained.
- Procedure Violation - The Panel agreed with the recommended finding of Exonerated.
- Procedure Violation - The Panel agreed with the recommended finding of Exonerated.
- Protocol (Courtesy) - The Panel agreed with the recommended finding of Exonerated.

#### **ADDED**

Procedure Violation – The Panel recommended adding and sustaining this allegation for the Respondent’s failure to activate the MVS.

#### **Respondent Officer Maria Massey #3053**

- Use of Force - The Panel agreed with the recommended finding of Unfounded.
- Use of Language - The Panel agreed with the recommended finding of Unfounded.
- Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.
- Procedure Violation - The Panel agreed with the recommended finding of Unfounded.
- Procedure Violation - The Panel agreed with the recommended finding of Unfounded.
- Protocol (Courtesy) - The Panel agreed with the recommended finding of Non-sustained.

#### **ADDED**

Procedure Violation – The Panel recommended adding and sustaining this allegation for the Respondent’s failure to activate the MVS.

#### **Respondent #2**

- Use of Force - The Panel agreed with the recommended finding of Non-sustained
- Use of Language - The Panel agreed with the recommended finding of Non-sustained.
- Unbecoming Conduct - The Panel agreed with the recommended finding of Unfounded.
- Procedure Violation - The Panel agreed with the recommended finding of Sustained.
- Procedure Violation - The Panel agreed with the recommended finding of Unfounded.
- Protocol (Courtesy) - The Panel agreed with the recommended finding of Non-sustained.
- Procedure Violation (MVS - The Panel agreed with the recommended finding of Sustained.

**COMMENTS:** The Panel agreed with the recommendations in this investigation, as shown above. However, the Panel noted that Respondent #3 was the only officer charged with a violation related to a failure to activate the MVS. While there is a Prince George's County Police Video Request form and an email to document that Respondent #3 did not activate his MVS, there is no corresponding documentation regarding Respondents #1 and #3 compliance or duty to activate.

It should also be noted that the investigator specifically questioned Respondent #3 about his failure to activate his MVS. However, Respondents #1 and #2 were not questioned about the status of their MVS.

Did they not have the same duty to activate as Respondent #3? If not, why? There was no justification or documentation in the case file to support that Respondents #1 and #2 activated their MVS or were not required to do so. Unless otherwise provided, the Panel recommended adding sustained Procedural Violations (MVS) for Respondents #1 and #2.

### **#34**

The Respondents impounded the Complainant's vehicle. The Complaint alleged that during the impound process, the Respondents threatened and harassed him, and abused their powers.

#### **Respondent #1**

- **Unbecoming Conduct - The Panel disagreed with Unfounded and recommended a finding of Non-Sustained.**

#### **Respondent #2**

- **Harassment - The Panel disagreed with Unfounded and recommended a finding of Non-Sustained.**
- **Unbecoming Conduct - The Panel disagreed with Unfounded and recommended a finding of Non-Sustained.**

#### **Respondent #3**

- **Harassment - The Panel disagreed with Unfounded and recommended a finding of Non-Sustained.**
- **Unbecoming Conduct - The Panel disagreed with Unfounded and recommended a finding of Non-Sustained.**

**COMMENTS:** The CCOP disagreed with each of the Unfounded findings recommended for the above noted allegations. The investigative file contains both Body Worn Camera and photography evidence that provides sufficient evidence to prove that a verbal confrontation between the Respondents and the Complainant did occur. However, the investigation did not provide sufficient evidence to prove or disprove that the Respondents abused their police powers during this interaction. The investigation also failed to provide sufficient evidence to prove or disprove that the comments "we are going to see each other again" and "you don't want enemies" allegedly made by Respondent #1 and the comment "I am going to fine you" allegedly made by Respondent #2 were meant as threats. Therefore, the Panel recommended Non-Sustained findings for each of the above noted allegations.

### **#35**

Respondent #1 and #2 reported to a pedestrian struck call. When they arrived, Respondents encountered a large crowd gathered for a candlelight vigil. Upon arriving on the scene, Respondent #1 attempted to get the Involved Citizens to move away from the victim so

he could assess the situation and render aid. The Involved Citizens became irate and attempted to slap Respondent #1's flashlight from his hand. Respondent #1 requested assistance and, after officers arrived, a struggle ensued between Involved Citizens and Respondents #1 and #2. The Respondents used take down techniques to gain compliance. The Involved Citizens were placed in handcuffs and taken into custody

- **Use of Force - The Panel disagreed the recommended finding of Exonerated and recommended Sustained.**
- **Use of Force - The Panel agreed the recommended finding of Exonerated.**

**COMMENTS:** As he was being escorted from the scene, Involved Citizen #1 stiffened his body, refused to walk, and elbowed Respondent #1. Respondent #1 attempted to gain control by conducting an inner leg sweep. This caused Respondent #1 and Involved Citizen #1 to fall to the ground. Respondent #1 stated that, while they were on the ground, Involved Citizen #1 attempted to headbutt him and free himself. Respondent #1 believed that the Involved Citizen might escape so he struck the Involved Citizen twice in the face with a closed fist.

The Panel was concerned with Respondent #1's use of a closed fist strikes to the face to control and secure Involved Citizen #1. Specifically, the Panel believed that Respondent #1's proximity to the Involved Citizen, coupled with the fact that the Involved Citizen was already on the ground, in handcuffs, and surrounded by other officers, made closed-fisted strikes to the face excessive and more than necessary to control the Involved Citizen. Respondent #1 had other, less injurious, options for gaining the Involved Citizen's compliance. Accordingly, the Panel recommended that the allegation of Use of Force for Respondent #1 be Sustained.

On more than one occasion, the CCOP has expressed concerns regarding how frequent closed fist strikes have resulted in facial and orbital injuries and broken bones. The Panel continued to express concern and again recommended that the Department review its policies regarding the use of closed fist strikes and consider revising its policies to more clearly define when this type of force is not appropriate.

Additionally, the Panel noted that the large crowd that was gathered for the vigil and did not become unruly until Respondent #2 arrived on the scene. The situation escalated further when the Respondents engaged and arrested the Involved Citizens. The record provided no indication that either Respondent #1 or Respondent #2 made any efforts to de-escalate or gain control of the situation. While the Panel was aware that Officers receive de-escalation training, additional training in this area might prove useful.

### **#36**

The Involved Citizen was stopped for driving while impaired. The Involved Citizen was too intoxicated for a field sobriety test so was he escorted to a District station by the Respondent for a chemical test. During the transport, the Involved was confrontational, including cursing and physically assaulting the Respondent. The Respondent stopped the vehicle and defended himself against the assault by striking the Involved Citizen in the face with a closed fist four (4) times. The Involved Citizen then spat on the Respondent. The Respondent responded by striking the Involved Citizen in the face with a closed fist four additional times.

**Use of Force - The Panel agreed with the recommended findings of Exonerated.**  
**Abusive Language - The Panel agreed with the recommended findings of Sustained.**

### **ADDED**

**Use of Force - The Panel recommended that this allegation be added and Sustained for**

**the Respondent's action of striking the Involved Citizen in the face with four closed fist strikes after the Involved Citizen spat in Respondent's face.**

**COMMENTS:** The Panel agreed that the initial four strikes made by the Respondent were to gain control of the Involved Citizen when the Involved Citizen was physically assaulting the Respondent. These strikes were effective in stopping the assault and gaining compliance from the Involved Citizen as authorized by the General Order Manual, *Volume II, Chapter 55, Section 1, Use of Force*. While the Panel believed that the initial four strikes were effectively appropriate to subdue the Involved Citizen and gained his compliance, the Panel found the additional set of strikes after Involved Citizen spat on Respondent were retaliatory and excessive, in violation of the GOM section stated above.

**#37**

The Respondent was investigating an accident involving a vehicle matching the description of a vehicle involved in a homicide. When the Respondent approached the vehicle, the driver fled the scene on foot. However, the Involved Citizen remained in the vehicle. The Respondent stated that he asked the Involved Citizen to exit the vehicle and that his gun was unholstered at the time. When the Involved Citizen hesitated, the Respondent pulled her from the vehicle. The Respondent stated that he was holstering his weapon as he pulled the Involved Citizen, he walked backward and the weapon discharged. He handcuffed and subsequently released the Involved Citizen.

- **Procedure Violation (Discharge of Firearm)** - The Panel agreed the recommended finding of Sustained.

**ADDED**

- **Use of Force** - The Panel recommended adding and non-sustaining this allegation for the Respondent's action of forcibly removing the Involved Citizen from a vehicle.
- **Procedure Violation (Handcuff and Release)** – The CCOP recommended adding and sustaining the allegations for the Respondents failure to document the handcuff and release of the Involved Citizen.

**COMMENTS:** While the CCOP agreed with the allegation presented above regarding the discharge of a firearm, the Panel recommended the following additional allegations that were revealed during its review.

**Use of Force** - The investigator details the Respondent's statement that he was forcibly removing of the Involved Citizen from the vehicle when his weapon discharged. To fully address the Respondent's conduct during in this incident, the CCOP reviewed the Respondent pulling the Involved Citizen from the vehicle in the context of a use of force.

The Respondent indicated that when the Involved Citizen did not comply with his order to exit the vehicle and actively resisted him, he removed her. However, in her statement, she said she had been told to stay in the vehicle and she was complying with that order when the Respondent pulled her from the vehicle. It is unclear if the Involved Citizen was actively resisting. The investigation did not provide evidence sufficient to prove or disprove that she was non-compliant or that the action of forcibly removing her from the vehicle was justified. In accordance, the CCOP recommended adding and non-sustaining an allegation of Use of Force.

**Procedure Violation (Handcuff and Release)** - The investigation revealed that the Respondent handcuffed the Involved Citizen immediately after the discharge incident and after

he pulled her from the vehicle. The handcuffs were later removed, and the Involved Citizen was allowed to leave the scene. However, the Respondent failed to document the handcuff and release of the Involved Citizen, as required by the GOM, Volume 2, Section 58. This failure to follow procedures was also not presented as an allegation in this investigation. Again, to fully address the Respondent Miller's, the CCOP recommended adding and sustaining an allegation of Procedure Violation.

### #38

The Respondent was the first officer on the scene of a shooting that possibly involved a relative. Prior to reporting, the Respondent requested and received permission from her supervisor to report. She also immediately stepped aside to observe when other officers arrived at the scene and requested permission to go to the hospital after she confirmed that the shooting victim was, in fact, a relative. A gun and other contraband observed at the scene by a RING camera could not be located when other responding officers arrived. As a result, the Respondent's presence and possible actions at the scene were investigated.

- **Loyalty- The Panel agreed with the recommended findings of Unfounded.**
- **Secondary Dissemination - The Panel agreed with the recommended findings of Non-Sustained.**

**COMMENTS:** The Respondent wore an activated Body Worn Camera (BWC) throughout the incident, and a review of the footage from the BWC revealed no wrongdoing.

The Panel would like to commend the Respondent and the Case Investigator for their excellent work. The Panel especially noted how well the Respondent handled her involvement in this incident and how she utilized her BWC to document her actions. In fact, the BWC evidence demonstrated the exemplary steps taken by the Respondent to ensure that her actions before, during, and after this incident were legal and proper. She also clearly communicated her movements and obtained permission for her presence at the scene and at the hospital. In addition, the Panel also commended the Case Investigator for the thoroughness of the investigation and his succinct presentation of the facts.

### #39

Respondents #1 and #2 allegedly fractured the Involved Citizen's nose while responding to a domestic dispute. The Involved was intoxicated, causing a disturbance inside the Civilian Witness's home, and was refusing to leave. When Respondent #1 arrived, The Involved Citizen became irate, started yelling, and approached Respondent #1 in a fighting stance. The Involved Citizen allegedly attacked the Respondent and a fight ensued. Respondent #1 attempted to arrest the Involved Citizen and gave him orders to comply. The Involved Citizen refused to comply and continued to resist and assault Respondent #1. The Respondent stated that when he delivered an open-palm strike to create distance, the Involved Citizen continued to resist and struck Respondent #1 several more times. In response, Respondent #1 delivered a series of closed-fist strikes to the Involved Citizen's face. When Respondent #1 observed scratches on Mr. Hayes's face, a black eye and blood coming from his nose, he transported the Involved Citizen to the hospital for treatment. A CAT scan revealed that he had suffered a broken nose. When Respondent #2 responded to the incident, he observed Respondent #1 and the Involved Citizen in a struggle. He assisted Respondent #1 place the Involved Citizen under arrest. Respondent #2 stated he also observed blood coming from the Involved Citizen's nose but was not aware he had a broken nose.

### **Respondent #1**

- **Use of Force - The Panel disagreed with the recommended finding of Exonerated. The**



Panel recommended that the allegation be changed to Excessive Use of Force and recommended a finding of Sustained.

## **Respondent #2**

- Use of Force - The Panel agreed with the recommended finding of Unfounded.

**COMMENTS:** The Panel agreed with the recommendation to Unfound for the Use of Force allegation for Respondent #2. However, while the CCOP agreed that a use of force was necessary to gain the Involved Citizen's compliance, the Panel found the level of force used by Respondent #1 to be excessive. Respondent #1 delivered what he characterized as a "series" of closed-fist strikes to the Involved Citizen's face. The Panel found that the "multiple and successive" closed-fist punches to his face were unnecessary and more than what was reasonable to affect a lawful arrest, under the circumstances. The Panel was concerned that this type of force is excessive, often leads to facial injuries, and was not the most effective way to secure his arrest. Therefore, the Panel recommended that the Use of Force allegation be reclassified as Excessive Use of Force and closed with a finding of Sustained. The CCOP also requested a copy of the Department's policy regarding Use of Force. The Panel a briefing on Use of Force training as it relates to determining which levels of force are justified in particular situations.